

No. 603. GRAY, DIRECTOR OF THE BITUMINOUS COAL DIVISION, DEPARTMENT OF THE INTERIOR, ET AL. v. POWELL ET AL. January 6, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted. *Solicitor General Biddle* and *Mr. Abe Fortas* for petitioners. *Messrs. W. R. C. Cocke* and *Jos. F. Johnston* for respondents. Reported below: 114 F. 2d 752.

DECISIONS DENYING CERTIORARI, FROM OCTOBER 7, 1940, THROUGH JANUARY 6, 1941.

No. 158. BADER v. ILLINOIS; and

No. 189. HARTFORD ACCIDENT & INDEMNITY CO. ET AL. v. DELTA & PINE LAND Co. See *ante*, p. 610.

No. 240. WRIGHT v. SECURITY-FIRST NATIONAL BANK OF LOS ANGELES. See *ante*, p. 611.

No. 896, October Term, 1939. McCAMPBELL v. WAR-RICH CORPORATION ET AL. See *ante*, p. 612.

No. 230. VILES v. JOHNSON, JUDGE. October 14, 1940. Petition for writ of certiorari to the Supreme Court of Colorado, and motion for leave to proceed further *in forma pauperis*, denied. The motion for leave to file petition for writ of mandamus is also denied. *Edmond L. Viles, pro se*. Reported below: 100 Colo. 50; 65 P. 2d 1089.

No. 309. BENSON v. UNITED STATES. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit, and motion for leave to

311 U.S.

Decisions Denying Certiorari.

proceed further *in forma pauperis*, denied. MR. JUSTICE DOUGLAS took no part in the consideration and decision of these applications. *Thomas W. Benson, pro se*. Reported below: 112 F. 2d 422.

No. 83. MILLER *v.* MILLER. October 14, 1940. Petition for writ of certiorari to the Supreme Court of Oklahoma, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. John Ladner* for petitioner. Reported below: 186 Okla. 566; 99 P. 2d 515.

No. 84. THOMPSON *v.* O'GRADY, WARDEN. October 14, 1940. Petition for writ of certiorari to the Supreme Court of Nebraska, and motion for leave to proceed further *in forma pauperis*, denied. *Fred V. Thompson, pro se*. Messrs. *Walter R. Johnson*, Attorney General of Nebraska, *H. Emerson Kokjer*, and *Charles F. Bongardt*, Assistant Attorneys General, for respondent. Reported below: 137 Neb. 641; 290 N. W. 716.

No. 91. BELIN *v.* BELIN ET AL. October 14, 1940. Petition for writ of certiorari to the Supreme Court of Florida, and motion for leave to proceed further *in forma pauperis*, denied. *Edna Delonis Belin, pro se*. *Mr. R. K. Lewis* for respondents. Reported below: 141 Fla. 886; 194 So. 333.

No. 99. HAWK *v.* O'GRADY, WARDEN. October 14, 1940. Petition for writ of certiorari to the Supreme Court of Nebraska, and motion for leave to proceed further *in forma pauperis*, denied. *Henry Hawk, pro se*. Messrs. *Walter R. Johnson*, Attorney General of Nebraska, *H. Emerson Kokjer*, and *Charles F. Bongardt*,

Assistant Attorneys General, for respondent. Reported below: 137 Neb. 639; 290 N. W. 911.

No. 132. *CLAWANS v. WHITE*. October 14, 1940. Petition for writ of certiorari to the Court of Appeals for the District of Columbia, and motion for leave to proceed further *in forma pauperis*, denied. *Lillian Clawans, pro se*. Reported below: 71 App. D. C. 362; 112 F. 2d 189.

No. 144. *BATES v. JOHNSTON, WARDEN*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *A. L. Bates, pro se*. Reported below: 111 F. 2d 966.

No. 157. *MOORE v. MISSOURI PACIFIC RAILROAD CO. ET AL.* October 14, 1940. Petition for writ of certiorari to the Supreme Court of Arkansas, and motion for leave to proceed further *in forma pauperis*, denied. *Mrs. W. A. Moore, pro se*. Reported below: 199 Ark. 1035; 138 S. W. 2d 384.

No. 166. *PENNSYLVANIA EX REL. TOLIVER v. ASHE, WARDEN*. October 14, 1940. Petition for writ of certiorari to the Supreme Court of Pennsylvania, and motion for leave to proceed further *in forma pauperis*, denied. *Louis Toliver, pro se*. Reported below: 336 Pa. 206; 8 A. 2d 541.

No. 176. *LEWIS, EXECUTRIX, ET AL. v. FONTENOT, COLLECTOR FOR THE DISTRICT OF LOUISIANA, ET AL.*;

No. 177. *LEWIS, TESTAMENTARY EXECUTRIX, ET AL. v. UNITED STATES ET AL.*; and

311 U.S.

Decisions Denying Certiorari.

No. 178. *LEWIS, TESTAMENTARY EXECUTRIX, ET AL. v. UNITED STATES DEPARTMENT OF AGRICULTURE ET AL.* October 14, 1940. Petitions for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit, and motions for leave to proceed further *in forma pauperis*, denied. *Agnes E. Lewis, pro se.* Reported below: 110 F. 2d 65.

No. 228. *HARTENFELD v. UNITED STATES.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Julian C. Ryer* for petitioner. *Solicitor General Bid-
dle, Assistant Attorney General Rogge, and Messrs.
William W. Barron and James P. O'Brien* for the United States. Reported below: 113 F. 2d 359.

No. 232. *ROSSIGNOL v. UNITED STATES.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. James Frank Kemp* for petitioner. Reported below: 112 F. 2d 745.

No. 234. *COLE v. UNITED STATES.* October 14, 1940. Petition for writ of certiorari to the Court of Appeals for the District of Columbia, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. C. L. Dawson* for petitioner. Reported below: 112 F. 2d 203.

No. 250. *WEST v. UNITED STATES.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit, and motion for leave to

proceed further *in forma pauperis*, denied. *Mr. James Frank Kemp* for petitioner. Reported below: 113 F. 2d 68.

No. 260. *PATTON v. BALDI, SUPERINTENDENT, ET AL.* October 14, 1940. Petition for writ of certiorari to the Supreme Court of Pennsylvania, and motion for leave to proceed further *in forma pauperis*, denied. *Karlton A. Patton, pro se.* *Mr. Charles F. Kelley* for respondents.

No. 272. *JACKSON v. O'GRADY, WARDEN.* October 14, 1940. Petition for writ of certiorari to the Supreme Court of Nebraska, and motion for leave to proceed further *in forma pauperis*, denied. *James E. Jackson, pro se.* *Messrs. Walter R. Johnson*, Attorney General of Nebraska, *H. Emerson Kokjer*, and *Charles F. Bongardt*, Assistant Attorneys General, for respondent.

No. 278. *STEELE v. O'GRADY, WARDEN.* October 14, 1940. Petition for writ of certiorari to the Supreme Court of Nebraska, and motion for leave to proceed further *in forma pauperis*, denied. *John Steele, pro se.* *Messrs. Walter R. Johnson*, Attorney General of Nebraska, *H. Emerson Kokjer*, and *Charles F. Bongardt*, Assistant Attorneys General, for respondent.

No. 279. *BROUGH v. ARIZONA.* October 14, 1940. Petition for writ of certiorari to the Supreme Court of Arizona, and motion for leave to proceed further *in forma pauperis*, denied. *Dale Oren Brough, pro se.* Reported below: 55 Ariz. 276; 101 P. 2d 196.

No. 313. *DOUGHERTY v. FLORIDA.* October 14, 1940. Petition for writ of certiorari to the Supreme Court of

311 U. S.

Decisions Denying Certiorari.

Florida, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. W. D. Bell* for petitioner. Reported below: 193 Fla. 578; 197 So. 501.

No. 314. *WALEY v. JOHNSTON, WARDEN*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Harmon Metz Waley, pro se*. Reported below: 112 F. 2d 749.

No. 340. *SCHNEIDER, ADMINISTRATRIX, v. LEHIGH VALLEY RAILROAD CO.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Jacob Kirschenbaum* for petitioner. *Mr. Clifton P. Williamson* for respondent. Reported below: 112 F. 2d 712.

No. 378. *CAPONIGRI v. CONGLETON, TRUSTEE*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Abraham Alboum* for petitioner. Reported below: 114 F. 2d 813.

No. 76. *MCBRIDE, ASSIGNOR, v. TEEPLE, ASSIGNOR*. October 14, 1940. Petition for writ of certiorari to the Court of Customs and Patent Appeals denied for want of jurisdiction. *Postum Cereal Co. v. California Fig Nut Co.*, 272 U. S. 693; *Pacific Northwest Canning Co. v. Skookum Packers' Assn.*, 283 U. S. 858; *Fessenden v. Wilson*, 284 U. S. 640; *Chase v. Avery*, 307 U. S. 638. MR. JUSTICE ROBERTS took no part in the consideration and decision of this application. *Messrs. J. H. Bruninga and*

J. H. Sutherland for petitioner. *Mr. Frederick Schafer* for respondent. Reported below: 27 C. C. P. A. (Patents) 961; 109 F. 2d 789.

No. 107. *IN THE MATTER OF JOSEPH RUBINSTEIN*; and
No. 108. *IN THE MATTER OF CHARLES RUBINSTEIN*.
October 14, 1940. The motion to dispense with printing portions of the record is granted. The petition for writs of certiorari to the Supreme Court of Ohio is denied. *Mr. Brien McMahon* for petitioners. *Mr. Charles Auerbach* for respondents. Reported below: 136 Ohio St. 341; 25 N. E. 2d 680.

No. 116. *MASCUCH v. UNITED STATES*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. MR. JUSTICE DOUGLAS took no part in the consideration and decision of this application. *Mr. Harry W. Colmery* for petitioner. *Solicitor General Biddle, Assistant Attorney General Rogge, and Messrs. William W. Barron, Fred E. Strine, George F. Kneip, and W. Marvin Smith* for the United States. Reported below: 111 F. 2d 602.

No. 119. *PHILIPPINE NATIONAL BANK v. PHILIPPINE TRUST CO. ET AL.* October 14, 1940. Petition for writ of certiorari to the Supreme Court of the Philippines denied. MR. JUSTICE MURPHY took no part in the consideration and decision of this application. *Mr. Ramon Diokno* for petitioner. *Messrs. Allison D. Gibbs and Finley J. Gibbs* for respondents.

No. 129. *LLOYD-SMITH v. BICKNELL, RECEIVER*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. MR. JUSTICE REED took no part in the consideration and de-

311 U.S.

Decisions Denying Certiorari.

cision of this application. *Messrs. Boykin C. Wright and James A. Fowler, Jr.* for petitioner. *Mr. Chester W. Cuthell* for respondent. Reported below: 109 F. 2d 527.

No. 135. *CAMARATO v. UNITED STATES*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. MR. JUSTICE MURPHY took no part in the consideration and decision of this application. *Messrs. William E. Leahy, William J. Hughes, Jr., James F. Reilly, and Frederic M. P. Pearse* for petitioner. *Solicitor General Biddle, Assistant Attorney General Rogge, and Messrs. James P. O'Brien, George F. Kneip and W. Marvin Smith* for the United States. Reported below: 111 F. 2d 243.

No. 137. *WOLF v. SCHRAM, RECEIVER; and*

No. 138. *DAVIS v. SAME*. October 14, 1940. Petitions for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. MR. JUSTICE REED took no part in the consideration and decision of these applications. *Mr. William Alfred Lucking* for petitioners. *Messrs. Frank E. Wood and Robert S. Marx* for respondent. Reported below: 111 F. 2d 144, 146.

No. 164. *WILSON v. THELEN*. October 14, 1940. The motion to proceed on the typewritten record is granted. The petition for writ of certiorari to the Supreme Court of Montana is denied. *Messrs. Louis P. Donovan and John D. Jenswold* for petitioner. *Mr. George E. Hurd* for respondent. Reported below: 110 Mont. 305; 100 P. 2d 923.

No. 175. *HITCHCOCK v. HITCHCOCK*. October 14, 1940. The motion to proceed on the typewritten petition

is granted. The petition for writ of certiorari to the Supreme Court of Illinois is denied. *Winifred Hitchcock, pro se. Wiley Hitchcock, pro se.* Reported below: 373 Ill. 352; 26 N. E. 2d 108.

No. 204. *LACKNER v. ILLINOIS BELL TELEPHONE CO.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. MR. JUSTICE FRANKFURTER took no part in the consideration and decision of this application. *Mr. Melvin L. Griffith* for petitioner. *Mr. Kenneth F. Burgess* for respondent. Reported below: 111 F. 2d 136.

No. 209. *CHAPMAN BROTHERS Co. v. SECURITY-FIRST NATIONAL BANK OF LOS ANGELES.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. MR. JUSTICE DOUGLAS took no part in the consideration and decision of this application. *Mr. William H. Campbell* for petitioner. *Mr. Edmund W. Pugh* for respondent. Reported below: 111 F. 2d 86.

No. 263. *ST. MARIE ET AL. v. UNITED STATES, TRUSTEE, ET AL.* October 14, 1940. The motion to proceed on the typewritten record is denied. The petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit is denied for the reason that application therefor was not made within the time provided by law. Section 8 (a), Act of February 13, 1925. (43 Stat. 936, 940). *Messrs. Thomas L. Sloan and Williamson S. Summers* for petitioners. *Solicitor General Biddle and Assistant Attorney General Littell* for the United States. Reported below: 108 F. 2d 876.

No. 271. *ALBERS, RECEIVER, v. FARLEY ET AL.* October 14, 1940. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. MR. JUSTICE MURPHY took no part in the consideration and decision of this application. *Messrs. Homer D. Dines and Llewellyn A. Luce* for petitioner. *Solicitor General Biddle, Assistant Attorney General Shea, and Messrs. Paul A. Sweeney and Thomas E. Harris* for respondents. Reported below: 112 F. 2d 401.

No. 295. *UNITED STATES v. POLAKOFF ET AL.*; and

No. 296. *SAME v. FALLON.* October 14, 1940. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied. MR. JUSTICE MURPHY took no part in the consideration and decision of these applications. *Solicitor General Biddle* for the United States. *Messrs. Irving Spieler and Louis Halle* for respondents in No. 295; and *Mr. Myles A. Walsh* for respondent in No. 296. Reported below: 112 F. 2d 888, 894.

No. 297. *MORRIS ET AL. v. UNITED STATES.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. MR. JUSTICE DOUGLAS took no part in the consideration and decision of this application. *Mr. Frank J. Looney* for petitioners. *Solicitor General Biddle, Assistant Attorney General Rogge, and Messrs. J. Albert Woll, M. Joseph Matan, and W. Marvin Smith* for the United States. Reported below: 112 F. 2d 522.

No. 342. *KIMMICH v. NEW YORK CLEARING HOUSE ASSOCIATION ET AL.* October 14, 1940. The motion to

proceed on typewritten papers is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is denied. *Charles Kimmich, pro se. Mr. Inzer B. Wyatt, Jr.*, for New York Clearing House Assn., and *Messrs. John W. Davis* and *Edwin Foster Blair* for William C. Potter, respondents. Reported below: 112 F.2d 135.

No. 343. *MOHONK REALTY CORP. v. WISE SHOE STORES, INC.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. MR. JUSTICE DOUGLAS took no part in the consideration and decision of this application. *Mr. David W. Kahn* for petitioner. *Mr. Joseph M. Proskauer* for respondent. Reported below: 111 F.2d 287.

No. 354. *RITTER ET AL. v. MILK & ICE CREAM DRIVERS & DAIRY EMPLOYEES UNION LOCAL 336 ET AL.* October 14, 1940. The motion to dispense with the printing and service of portions of the record is granted. The petition for writ of certiorari to the Supreme Court of Ohio is denied. *Messrs. Charles Auerbach* and *Ray T. Miller* for petitioners. *Mr. William J. Corrigan* for the Milk & Ice Cream Drivers & Dairy Employees Union, and *Mr. Raymond T. Jackson* for the Telling Belle-Vernon Co., respondents. Reported below: 136 Ohio St. 582; 27 N. E. 2d 406.

No. 357. *DAVIS v. UNITED STATES.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. MR. JUSTICE DOUGLAS took no part in the consideration and decision of this application. *Mr. W. B. Harrell* for petitioner. *Solicitor General Biddle, Assistant Attorney General*

311 U.S.

Decisions Denying Certiorari.

Rogge, and *Messrs. George F. Kneip* and *W. Marvin Smith* for the United States. Reported below: 112 F. 2d 926.

No. 375. SOUTHERN PACIFIC CO. *v.* THE EASTERN GLADE; and

No. 376. SAME *v.* POSTAL STEAMSHIP CORPORATION. October 14, 1940. The motion to use the certified record in Nos. 73 and 74, October Term, 1939, is granted. The petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit is denied. *Messrs. Chauncey I. Clark* and *Burton H. White* for petitioner. *Mr. John C. Crawley* for respondents. Reported below: 112 F. 2d 297.

No. 67. WILLIAMS ET AL. *v.* TOOKE ET AL. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. D. A. McAskill* for petitioners. *Messrs. C. D. Turner* and *Donald Campbell* for respondents. Reported below: 108 F. 2d 758.

No. 77. LUMBERMENS MUTUAL CASUALTY Co. *v.* McIVER ET AL. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Henry Graham Balter* for petitioner. *Mr. Carl B. Sturzenacker* for respondents. Reported below: 110 F. 2d 323.

No. 80. BRASHEAR ET AL. *v.* INTERMOUNTAIN BUILDING & LOAN ASSN. ET AL. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Alexander B. Baker* for petitioners. *Messrs. James C. Inglebretsen*, *Earl Warren*, Attorney General of California, and *Frank Richards*,

Deputy Attorney General, for respondents. Reported below: 109 F. 2d 857.

No. 81. *DULUTH, MISSABE & IRON RANGE RY. Co. v. Ross*. October 14, 1940. Petition for writ of certiorari to the Supreme Court of Minnesota denied. *Messrs. Dennis F. Donovan, Elmer F. Blu, and Clarence J. Hartley* for petitioner. *Messrs. I. K. Lewis and Henry J. Grannis* for respondent. Reported below: 207 Minn. 648; 291 N. W. 610.

No. 93. *CARPENTER ET AL. v. HAMILTON*. October 14, 1940. Petition for writ of certiorari to the Supreme Court of California denied. *Mr. A. L. Wirin* for petitioners. *Mr. Edwin A. Meserve* for respondent. Reported below: 15 Cal. 2d 130; 98 P. 2d 1027.

No. 94. *KELLEY ET AL. v. SYRACUSE ET AL.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Harold E. Stonebraker* for petitioners. *Messrs. Henry R. Ashton and George H. Mitchell* for respondents.

No. 95. *HUMBLE OIL & REFINING CO. ET AL. v. TURNBOW ET AL.* October 14, 1940. Petition for writ of certiorari to the Court of Civil Appeals, 3d Supreme Judicial District, of Texas, denied. *Messrs. Ben H. Powell, Wyman S. Gideon, John E. Green, Jr., and Joe S. Brown* for petitioners. *Messrs. Gerald C. Mann, Edgar Cole, James P. Hart, and Carl L. Phinney* for respondents. Reported below: 133 S. W. 2d 191.

No. 96. *TRIPPETT ET AL. v. POLARIS IRON CO. ET AL.* October 14, 1940. Petition for writ of certiorari to the

Circuit Court of Appeals for the Fifth Circuit denied. *Mr. C. Huffman Lewis* for petitioners. Reported below: 110 F. 2d 362.

No. 100. *HAWKE v. HELVERING, COMMISSIONER OF INTERNAL REVENUE*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Alan W. Davidson* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark*, and *Mr. Sewall Key* for respondent. Reported below: 109 F. 2d 946.

No. 101. *DUPONT v. COMMISSIONER OF INTERNAL REVENUE*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Percy W. Phillips* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark*, and *Messrs. Sewall Key, J. Louis Monarch, Morton K. Rothchild*, and *Warner W. Gardner* for respondent. Reported below: 110 F. 2d 641.

No. 102. *ATLANTIC REFINING CO. v. JAMES B. BERRY SONS' Co., INC.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. Theodore S. Kenyon, Roy W. Johns*, and *Edgar F. Baumgartner* for petitioner. *Messrs. Thomas G. Haight and William F. Hall* for respondent. Reported below: 106 F. 2d 644.

No. 103. *ADLER'S CREAMERY, INC. v. UNITED STATES*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Samuel Rubin* for petitioner. *Solicitor General*

Biddle, Assistant Attorney General Arnold, and Messrs. James C. Wilson and John S. L. Yost for the United States. Reported below: 110 F. 2d 482.

No. 105. UNION TRUST CO., FORMER EXECUTOR, *v.* COMMISSIONER OF INTERNAL REVENUE. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Paul Y. Davis, Kurt F. Pantzer, and William G. Sparks* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. Sewall Key and Richard H. Demuth, and Miss Louise Foster* for respondent. Reported below: 111 F. 2d 60.

No. 106. WASHINGTON COUNTY FIRE INSURANCE CO. *v.* DRISCOLL, COLLECTOR OF INTERNAL REVENUE. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. William G. Heiner* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. Sewall Key and Maurice J. Mahoney* for respondent. Reported below: 110 F. 2d 485.

No. 110. LEE H. MARSHALL HEIRS ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Charles Denby* for petitioners. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. Sewall Key and Harry Marcelli* for respondent. Reported below: 111 F. 2d 935.

No. 111. DOYLE ET UX. *v.* HELVERING, COMMISSIONER OF INTERNAL REVENUE. October 14, 1940. Petition for

311 U.

Decisions Denying Certiorari.

writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Thomas M. Wilkins* for petitioners. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. Sewall Key, Arnold Raum, and Joseph M. Jones* for respondent. Reported below: 110 F. 2d 157.

No. 118. CHAIN O'MINES, INC., ET AL. *v.* UNITED GILPIN CORPORATION ET AL. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Felix J. Streyckmans* for petitioners. *Mr. Abraham W. Brussell* for respondents. Reported below: 109 F. 2d 617.

No. 122. CORNETT *v.* SWIFT COAL & TIMBER CO. ET AL. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Cleon K. Calvert* for petitioner. *Messrs. Samuel M. Wilson and E. L. McDonald* for respondents. Reported below: 112 F. 2d 387.

No. 123. MOON *v.* HOME LIFE INSURANCE Co.; and
No. 124. SAME *v.* MUTUAL BENEFIT HEALTH & ACCIDENT ASSN. October 14, 1940. Petition for writs of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Mr. Thomas West Peyton IV* for petitioner. *Mr. Harry Scherr* for respondents. Reported below: 110 F. 2d 184.

No. 127. J. E. RILEY INVESTMENT CO. ET AL. *v.* SAKOW. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. J. Joseph Sullivan* for petitioners. *Messrs. Cecil H. Clegg and Herman Weinberger* for respondent. Reported below: 110 F. 2d 345.

No. 130. WILLARD MANUFACTURING CO. *v.* KENNEDY, FORMER COLLECTOR; and

No. 131. SAME *v.* McCUEN, COLLECTOR. October 14, 1940. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. O. Walker Taylor* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. Sewall Key, J. Louis Monarch, and Thomas E. Harris* for respondents. Reported below: 109 F. 2d 83.

No. 139. CHICAGO & NORTH WESTERN RY. CO. ET AL. *v.* ROCKWELL LIME CO. ET AL. October 14, 1940. Petition for writ of certiorari to the Supreme Court of Illinois denied. *Messrs. J. N. Davis, Carson L. Taylor, Lowell Hastings, P. F. Gault, C. S. Jefferson, and William T. Faricy* for petitioners. *Mr. Thomas B. Lantry* for respondents. Reported below: 373 Ill. 309; 26 N. E. 2d 99.

No. 140. VILLAGE OF HAVERSTRAW *v.* POTTS. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Warner Pyne* for petitioner. *Mr. David Paine* for respondent. Reported below: 110 F. 2d 58.

No. 142. DELANEY *v.* ROGAN, COLLECTOR OF INTERNAL REVENUE. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Joseph D. Brady* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. Sewall Key and Richard H. Demuth* for respondent. Reported below: 110 F. 2d 336.

No. 145. REA ET AL., TRUSTEES, *v.* ALEXANDER, COLLECTOR OF INTERNAL REVENUE. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. James A. Cosgrove* for petitioners. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. Sewall Key, J. Louis Monarch, Thomas G. Carney, and Thomas E. Harris* for respondent. Reported below: 110 F. 2d 898.

No. 146. SPLINT COAL CORP. *v.* ANDERSON, ADMINISTRATRIX. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Cleon K. Calvert* for petitioner. Reported below: 109 F. 2d 896.

No. 147. LONGO *v.* NEW JERSEY. October 14, 1940. Petition for writ of certiorari to the Court of Errors and Appeals of New Jersey denied. *Mr. A. J. Isserman* for petitioner. *Mr. Atwood C. Wolf* for respondent. Reported below: 122 N. J. L. 108; 124 *id.* 176; 4 A. 2d 15; 11 A. 2d 33.

No. 148. TYNG *v.* HELVERING, COMMISSIONER OF INTERNAL REVENUE. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Wayne Johnson* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. Sewall Key, J. Louis Monarch, and Carlton Fox* for respondent.

No. 150. GILSTRAP ET AL. *v.* STANDARD OIL CO. ET AL.; and

No. 151. *GILSTRAP v. SAME*. October 14, 1940. Petition for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *A. M. Gilstrap, Cora D. Gilstrap, Vera G. White, pro se, and Mr. A. L. Wirin* for petitioners. *Messrs. Felix T. Smith and Francis R. Kirkham* for Standard Oil Co. of Ohio, and *Messrs. Oscar Lawler and Max Felix* for Standard Oil Co. of California; *Messrs. Homer W. Buckley and James H. Oakley* for Earl Warren et al.; and *Messrs. Grove J. Fink and Percy E. Towne* for Hearst Publications, Inc., et al., respondents. Reported below: 108 F. 2d 736.

No. 152. *J. GREENEBAUM TANNING CO. v. NATIONAL LABOR RELATIONS BOARD*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. John L. McInerney and Leon B. Lamfrom* for petitioner. *Solicitor General Biddle and Messrs. Thomas E. Harris, Charles Fahy, Robert B. Watts, Laurence A. Knapp, and Mortimer B. Wolf* for respondent. Reported below: 110 F. 2d 984.

No. 153. *CALDWELL v. CALIFORNIA*. October 14, 1940. Petition for writ of certiorari to the Superior Court in and for the County of Los Angeles, Appellate Department, of California, denied. *Messrs. William E. Burby and G. W. Nix* for petitioner.

No. 154. *UNITED STATES EX REL. DARCY v. SUPERINTENDENT OF COUNTY PRISONS OF PHILADELPHIA, ET AL.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. Osmond K. Fraenkel, Francis Fisher Kane, and Philip Dorfman* for petitioner. *Mr. Charles F. Kelley* for respondents. Reported below: 111 F. 2d 409.

311 U.S.

Decisions Denying Certiorari.

No. 155. *TOWN OF LARGO, FLORIDA, v. RICHMOND*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. M. A. McMullen* for petitioner. *Messrs. Giles J. Patterson and T. M. Shackelford, Jr.* for respondent. Reported below: 109 F. 2d 740.

No. 159. *MANILA ELECTRIC CO. v. YATO, COLLECTOR OF INTERNAL REVENUE*. October 14, 1940. Petition for writ of certiorari to the Supreme Court of the Philippines denied. *Mr. James M. Ross* for petitioner. *Messrs. Nathan R. Margold, Frederic L. Kirgis, and John B. Jago* for respondent.

No. 160. *SMITH ET AL. v. UNITED STATES*. October 14, 1940. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. Myron G. Ehrlich and Charles E. Ford* for petitioners. *Solicitor General Biddle, Assistant Attorney General Rogge, and Messrs. William W. Barron, George F. Kneip and W. Marvin Smith* for the United States. Reported below: 112 F. 2d 217.

No. 161. *ENGBRETSON, TRUSTEE, v. WEST ET AL.*; and
No. 162. *SAME v. MARCELL ET AL.* October 14, 1940. Petition for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. William M. Giller* for petitioner. *Messrs. Norris Brown and U. S. G. Cherry* for respondents. Reported below: 111 F. 2d 528.

No. 163. *FRIEDMAN ET AL. v. ATLANTA ET AL.* October 14, 1940. Petition for writ of certiorari to the Supreme

Court of Georgia denied. *Mr. Young H. Fraser* for petitioners. *Mr. J. C. Murphy* for respondents. Reported below: 189 Ga. 862; 7 S. E. 2d 911.

No. 165. *HENDRON ET AL. v. YOUNT-LEE OIL CO. ET AL.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. D. A. McAskill* for petitioners. *Messrs. C. D. Turner* and *Donald Campbell* for respondents. Reported below: 108 F. 2d 759.

No. 167. *THORNBURGH, ADMINISTRATOR, v. UNITED STATES.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Lawrence E. Goldman* for petitioner. *Solicitor General Biddle* and *Messrs. Julius C. Martin, Wilbur C. Pickett, Richard H. Demuth,* and *Fendall Marbury* for the United States. Reported below: 111 F. 2d 278.

No. 168. *OVERBURY v. PLATTEN ET AL.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Edward V. Conwell* for petitioner. *Mr. Melville J. France* for respondents. Reported below: 108 F. 2d 155.

No. 169. *BUCHSBAUM v. HELVERING, COMMISSIONER OF INTERNAL REVENUE.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Homer Hendricks, J. R. Sherrod,* and *Robert N. Miller* for petitioner. *Solicitor General Biddle* for respondent.

311 U.S.

Decisions Denying Certiorari.

No. 171. *HYGIENIC PRODUCTS Co. v. COMMISSIONER OF INTERNAL REVENUE*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Meyer A. Cook* for petitioner. *Solicitor General Biddle*, *Assistant Attorney General Clark*, and *Messrs. Sewall Key* and *J. Louis Monarch* for respondent. Reported below: 111 F. 2d 330.

No. 172. *NAKDIMEN ET AL. v. BAKER*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. James B. McDonough*, *G. O. Patterson*, and *Edward H. Patterson* for petitioners. *Messrs. Harold R. Small* and *Thomas B. Pryor* for respondent. Reported below: 111 F. 2d 778.

No. 174. *UNITED DRUG Co. v. OBEAR-NESTER GLASS Co.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. William F. Davis, Jr.* and *Delos G. Haynes* for petitioner. *Messrs. Lawrence C. Kingsland* and *Edmund C. Rogers* for respondent. Reported below: 111 F. 2d 997.

No. 179. *WOODS, COURT TRUSTEE, v. ARLINGTON, INC.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Weightstill Woods* for petitioner. *Mr. Vincent O'Brien* for respondent. Reported below: 111 F. 2d 834.

No. 181. *FLEISHHACKER v. BLUM ET AL.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Her-*

man Phleger, Maurice E. Harrison, and John Ford Baecher for petitioner. *Mr. Harold C. Morton* for respondents. Reported below: 109 F. 2d 543.

No. 182. *STRATES ET AL. v. DIMOTSIS ET AL.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. W. A. Keeling* for petitioners. Reported below: 110 F. 2d 374.

No. 184. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. HORSESHOE LEASE SYNDICATE.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Solicitor General Biddle* for petitioner. *Mr. George S. Atkinson* for respondent. Reported below: 110 F. 2d 748.

No. 185. *PENNSYLVANIA-READING SEASHORE LINES v. CAWMAN, ADMINISTRATRIX.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Alfred E. Driscoll* for petitioner. *Mr. James H. McHale* for respondent. Reported below: 110 F. 2d 832.

No. 186. *DE LA TORRE v. FIRST NATIONAL BANK OF NEW YORK.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Mr. Henry G. Molina* for petitioner. *Mr. Earle T. Fiddler* for respondent. Reported below: 110 F. 2d 976.

No. 193. *BAKER v. ARKANSAS.* October 14, 1940. Petition for writ of certiorari to the Supreme Court of

311 U. S.

Decisions Denying Certiorari.

Arkansas denied. *Messrs. A. G. Bush and W. R. Donham* for petitioner. Reported below: 199 Ark. 1005; 137 S. W. 2d 938.

No. 195. *COMMERCIAL CASUALTY INSURANCE Co. v. STINSON*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Robert E. Plunkett* for petitioner. *Mr. U. S. Bratton* for respondent. Reported below: 111 F. 2d 63.

No. 196. *SOUTHERN MANUFACTURING Co. v. NATIONAL LABOR RELATIONS BOARD*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Charles C. Trabue, Jr.*, for petitioner. *Solicitor General Biddle* and *Messrs. Thomas E. Harris, Charles Fahy, Robert B. Watts, Laurence A. Knapp, and Mortimer B. Wolf* for respondent.

No. 197. *CASHMAN v. MARSHALL'S U. S. AUTO SUPPLY, INC.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. Randal C. Harvey* for petitioner. *Mr. T. M. Lillard* for respondent. Reported below: 111 F. 2d 140.

No. 198. *COX v. COMMISSIONER OF INTERNAL REVENUE*; and

No. 199. *CHILDERS v. SAME*. October 14, 1940. Petition for writs of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Messrs. Robert Stone and Ellis D. Bever* for petitioners. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. Sewall*

Key, J. Louis Monarch, Joseph M. Jones, and Richard H. Demuth for respondent. Reported below: 110 F. 2d 934.

Nos. 202 and 203. *MARYLAND CASUALTY Co. v. ALFORD, ADMINISTRATOR*. October 14, 1940. Petitions for writs of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Messrs. John J. Carmody and John J. Wilson* for petitioner. Reported below: 111 F. 2d 388.

No. 206. *GALLEGOS ET AL. v. SMITH, CORPORATION COMMISSIONER OF OREGON*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Alexander B. Baker and John F. Reilly* for petitioners. Reported below: 111 F. 2d 805.

No. 207. *COMPRESS OF UNION ET AL. v. STONE, TAX COMMISSIONER*. October 14, 1940. Petition for writ of certiorari to the Supreme Court of Mississippi denied. *Messrs. Marcellus Green, J. N. Flowers, Clyde L. Hester, and Garner W. Green, Sr.*, for petitioners. Reported below: 49 Miss. 188; 193 So. 329.

No. 208. *KULESZA ET AL. v. AMERICAN CAR & FOUNDRY Co.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Harold O. Mulks* for petitioners. *Messrs. Samuel W. Banning and Ephraim Banning* for respondent. Reported below: 111 F. 2d 58.

No. 215. *TOVREA PACKING Co. v. NATIONAL LABOR RELATIONS BOARD*. October 14, 1940. Petition for writ of

311 U.S.

Decisions Denying Certiorari.

certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Denison Kitchel* for petitioner. *Solicitor General Biddle* and *Messrs. Warner W. Gardner, Charles Fahy, Robert B. Watts, Laurence A. Knapp, and Mortimer B. Wolf* for respondent. Reported below: 111 F. 2d 626.

No. 216. COMMISSIONERS OF THE SINKING FUND OF LOUISVILLE *v.* ANDERSON, RECEIVER. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Lawrence S. Poston* for petitioner. *Messrs. Frank E. Wood, Robert S. Marx, Harry Kaspir, and George P. Barse* for respondents. Reported below: 110 F. 2d 961.

No. 217. KELLEY *v.* UNITED STATES. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. C. L. Dawson* for petitioner. *Solicitor General Biddle* and *Messrs. Julius C. Martin, Wilbur C. Pickett, Warner W. Gardner, and Keith L. Seegmiller* for the United States. Reported below: 110 F. 2d 922.

No. 220. FULLER ET AL. *v.* UNITED STATES. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Marshall B. Woodworth* for petitioners. *Assistant Attorney General Rogge* and *Messrs. N. A. Townsend, William W. Barron, W. Marvin Smith, and Fred E. Strine* for the United States. Reported below: 110 F. 2d 815.

No. 221. RITTER ET AL. *v.* WYOGA GAS & OIL CORPORATION. October 14, 1940. Petition for writ of certiorari

to the Circuit Court of Appeals for the Third Circuit denied. *Mr. J. Fred Katzmaier* for petitioners. *Mr. Samuel S. Jennings, Jr.* for respondent. Reported below: 110 F. 2d 524.

No. 223. *ADLER (NOW COWLEY-BROWN) v. ADLER*. October 14, 1940. Petition for writ of certiorari to the Supreme Court of Illinois denied. *Mr. Ode L. Rankin* for petitioner. *Mr. Floyd E. Thompson* for respondent. Reported below: 373 Ill. 361; 26 N. E. 2d 504.

No. 224. *HAYWARD ET AL. v. CITY OF CORPUS CHRISTI*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. David M. Wood* for petitioners. *Mr. W. A. Keeling* for respondent. Reported below: 111 F. 2d 637.

No. 226. *NOLAND v. NOLAND ET AL.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Calvin S. Mauk* for petitioner. *Mr. Chas. F. Blackstock* for respondents. Reported below: 111 F. 2d 322.

No. 227. *LAND OBEROESTERREICH v. GUDE ET AL.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Samuel R. Wachtell* for petitioner. *Messrs. A. Spotswood Campbell and Karl T. Frederick* for respondents. Reported below: 109 F. 2d 635.

No. 229. *AMIOT, GUARDIAN, ET AL. v. KANSAS CITY LIFE INSURANCE Co.* October 14, 1940. Petition for

311 U.S.

Decisions Denying Certiorari.

writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Frederick T. Harward* for petitioners. *Mr. Oscar C. Hull* for respondent. Reported below: 109 F. 2d 916.

No. 233. *JAMES B. BERRY SONS' Co. v. NEW YORK CENTRAL RAILROAD Co., LESSEE.* October 14, 1940. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied. *Mr. John L. Nesbit* for petitioner. *Mr. John J. Danhof* for respondent. Reported below: 338 Pa. 500; 12 A. 2d 588.

No. 238. *STOODY COMPANY v. CARLTON METALS, INC. ET AL.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Fred H. Miller* for petitioner. Reported below: 111 F. 2d 920.

No. 239. *KRAFT v. COMMISSIONER OF INTERNAL REVENUE.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Frank M. Avery* for petitioner. *Assistant Attorney General Clark* and *Messrs. N. A. Townsend, Sewall Key, J. Louis Monarch, and Joseph M. Jones* for respondent. Reported below: 111 F. 2d 370.

No. 247. *SAFWAY STEEL SCAFFOLDS Co. v. PATENT SCAFFOLDING Co. ET AL.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. S. L. Wheeler and Max W. Zabel* for petitioner. *Messrs. C. P. Goepel and George I. Haight* for respondents. Reported below: 110 F. 2d 1008.

No. 249. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. RECTOR & DAVIDSON*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Solicitor General Biddle* for petitioner. *Mr. Eustis Myres* for respondent. Reported below: 111 F. 2d 332.

No. 252. *BRINKLEY v. FISHBEIN*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Will A. Morriss* for petitioner. *Mr. W. L. Matthews* for respondent. Reported below: 110 F. 2d 62.

No. 254. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. MALLINCKRODT ET AL., TRUSTEES*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Solicitor General Biddle* for petitioner. *Messrs. Harry W. Kroeger and Daniel N. Kirby* for respondents. Reported below: 109 F. 2d 933.

No. 258. *PERSON v. UNITED STATES*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *L. K. Person, pro se. Solicitor General Biddle, Assistant Attorney General Shea, and Mr. Paul A. Sweeney* for the United States. Reported below: 112 F. 2d 1.

No. 261. *MARYLAND CASUALTY Co. v. BOULT*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. John Brunini* for petitioner. Reported below: 111 F. 2d 257.

311 U. S.

Decisions Denying Certiorari.

No. 262. SHAW-WALKER COMPANY ET AL. v. NATIONAL BENEFIT LIFE INSURANCE CO. ET AL. October 14, 1940. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. Levi H. David, Robert H. McNeill, and Henry Lincoln Johnson, Jr.,* for petitioners. *Messrs. John E. Laskey and Francis C. Brooke* for respondents. Reported below: 71 App. D. C. 276; 111 F. 2d 497.

No. 270. BOLLES v. TOLEDO TRUST COMPANY, EXECUTOR. October 14, 1940. Petition for writ of certiorari to the Supreme Court of Ohio denied. *Mr. George D. Welles* for petitioner. *Mr. Gustavus Ohlinger* for respondent. Reported below: 136 Ohio St. 517; 27 N. E. 2d 145.

No. 275. BARNES, TRADING AS BARNES & LOFLAND, v. REED, RECEIVER. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Michael J. Ryan* for petitioner. Reported below: 112 F. 2d 714.

No. 277. AUTOMATIC DEVICES CORP. v. SINKO TOOL & MFG. Co. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Drury W. Cooper, Thomas J. Byrne, and Henry M. Huxley* for petitioner. *Messrs. Bernard A. Schroeder, Russell Wiles, and George A. Chritton* for respondent. Reported below: 112 F. 2d 335.

No. 280. SUBIN ET AL., TRADING AS ARCADIA HOSIERY CO. v. NATIONAL LABOR RELATIONS BOARD. October 14, 1940. Petition for writ of certiorari to the Cir-

cuit Court of Appeals for the Third Circuit denied. *Messrs. Charles L. Guerin and Thomas F. Gain* for petitioners. *Solicitor General Biddle and Messrs. Thomas E. Harris, Charles Fahy, Robert B. Watts, Laurence A. Knapp, and Mortimer B. Wolf* for respondent. Reported below: 112 F. 2d 326.

No. 285. *JACKSON, TRUSTEE, v. LYNCH, RECEIVER.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Clarence W. Hull* for petitioner. *Mr. Leonard J. Meyberg* for respondent. Reported below: 111 F. 2d 1003.

No. 288. *WILLIAMS v. NATIONAL SURETY CORPORATION.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Kenneth W. Coulter, Boone T. Coulter, and Edward H. Coulter* for petitioner. *Messrs. C. H. Moses and Roy H. Callahan* for respondent. Reported below: 110 F. 2d 873.

No. 289. *SOUTHERN STEAMSHIP Co. v. MEYNERS.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. Joseph W. Henderson, J. Newton Rayzor, and Thomas F. Mount* for petitioner. *Mr. Lewis Fisher* for respondent. Reported below: 110 F. 2d 376.

No. 292. *WEST SIDE TENNIS CLUB v. COMMISSIONER OF INTERNAL REVENUE.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Lawrence A. Baker* for petitioner. *Solicitor General Biddle, Assistant Attorney Gen-*

311 U.S.

Decisions Denying Certiorari.

eral Clark, and *Messrs. Sewall Key and Harry Marselli* for respondent. Reported below: 111 F. 2d 6.

No. 294. *WESTOVER, TRUSTEE, v. VALLEY NATIONAL BANK*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Alexander B. Baker* for petitioner. *Messrs. John L. Gust and W. L. Barnum* for respondent. Reported below: 112 F. 2d 61.

No. 298. *WERTZ, TRUSTEE, v. NATIONAL CITY BANK OF EVANSVILLE*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Frank W. Cottle* for petitioner. *Mr. Isidor Kahn* for respondent. Reported below: 115 F. 2d 65.

No. 301. *TIMKEN-DETROIT AXLE Co. v. LEMPCO PRODUCTS, INC.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. F. O. Richey and William A. Strauch* for petitioner. Reported below: 110 F. 2d 307.

No. 302. *BALINOVIC v. EVENING STAR NEWSPAPER Co.* October 14, 1940. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. Alvin L. Newmyer, David G. Bress, and Lewis H. Shapiro* for petitioner. *Messrs. Edmund L. Jones and George Monk* for respondent. Reported below: 113 F. 2d 505.

No. 303. *WILLIAMS v. GOLDEN, MARSHAL*. October 14, 1940. Petition for writ of certiorari to the Supreme

Court of Missouri denied. *Mr. Robert W. Hall* for petitioner. *Messrs. Edgar H. Wayman* and *Oliver Senti* for respondent. Reported below: 345 Mo. 1121; 139 S. W. 2d 485.

No. 305. *FROST LUMBER INDUSTRIES, INC. v. REPUBLIC PRODUCTION Co.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Sidney L. Herold* for petitioner. *Mr. James H. Durbin* for respondent. Reported below: 112 F. 2d 462.

No. 306. *TRAVELERS INSURANCE Co. v. PRICE ET AL.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. J. Paul Jackson* for petitioner. *Mr. Lloyd E. Elliott* for respondents. Reported below: 111 F. 2d 776.

No. 307. *ROYAL INSURANCE Co. v. SMITH.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Percy V. Long* for petitioner. *Messrs. A. B. Bianchi* and *James M. Hanley* for respondent. Reported below: 111 F. 2d 667.

No. 308. *MISSOURI, BY AND THROUGH THE UNEMPLOYMENT COMPENSATION COMMISSION, v. EARHART, TRUSTEE.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Harry G. Waltner, Jr.*, for petitioner. *Messrs. J. Francis O'Sullivan* and *Maurice J. O'Sullivan* for respondent. Reported below: 111 F. 2d 992.

No. 310. *WOODS, COURT TRUSTEE, v. CITY NATIONAL BANK & TRUST Co. OF CHICAGO ET AL.* October 14, 1940.

311 U.S.

Decisions Denying Certiorari.

Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Weightstill Woods* for petitioner. *Mr. Vincent O'Brien* for respondents. Reported below: 111 F. 2d 834.

No. 316. *MEHRLUST v. HIGGINS, COLLECTOR OF INTERNAL REVENUE*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Andrew B. Trudgian* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. Sewall Key, Berryman Green, and Richard H. Demuth* for respondent. Reported below: 112 F. 2d 717.

No. 317. *HUFFMAN v. CITY OF WICHITA*. October 14, 1940. Petition for writ of certiorari to the Supreme Court of Kansas denied. *Messrs. Thomas E. Elcock and John W. Adams* for petitioner. *Mr. Benj. F. Hegler* for respondent. Reported below: 151 Kan. 679; 101 P. 2d 219.

No. 318. *BONNER ET AL. v. SUITER ET AL.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. H. A. Ledbetter* for petitioners. *Mr. Malcolm E. Rosser* for respondents. Reported below: 112 F. 2d 912

No. 323. *AMERICAN NATIONAL BANK v. CITY OF SANFORD ET AL.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. Stuart B. Warren, J. Blanc Monroe, and Monte M. Lemann* for petitioner. *Mr. Robert J. Pleus* for the City of Sanford, and *Solicitor General*

Biddle, Assistant Attorney General Shea, and Mr. Melvin H. Siegel for the United States, respondents. Reported below: 112 F. 2d 435.

No. 324. *DAVIS ET AL. v. CITY OF HOMESTEAD ET AL.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Charles A. Carroll* for petitioners. *Mr. Robert J. Pleus* for the City of Homestead, and *Solicitor General Biddle, Assistant Attorney General Shea, and Mr. Melvin H. Siegel* for the United States, respondents. Reported below: 112 F. 2d 438.

No. 325. *STEVENS v. EDWARDS ET AL.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. George Palmer Garrett* for petitioner. *Mr. Thomas B. Adams* for respondents. Reported below: 112 F. 2d 534.

No. 328. *UNITED STATES TRUST CO. OF NEW YORK ET AL. v. COMMISSIONER OF INTERNAL REVENUE.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Harry J. Ahlheim* for petitioners. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. Sewall Key, Arnold Raum, and Joseph M. Jones* for respondent. Reported below: 111 F. 2d 576.

No. 329. *COMPAGNIE GENERALE TRANSATLANTIQUE v. TAWES.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. Jos. M. Rault and Benjamin W. Yancey* for petitioner. *Solicitor General Biddle, Assistant Attor-*

311 U.S. Decisions Denying Certiorari.

ney General Shea, and *Messrs. Paul A. Sweeney* and *Wm. A. Van Siclen* for respondent. Reported below: 111 F. 2d 92.

No. 335. *ALAMITOS LAND CO. v. COMMISSIONER OF INTERNAL REVENUE*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Melvin D. Wilson* for petitioner. *Solicitor General Biddle*, *Assistant Attorney General Clark*, and *Messrs. Sewall Key* and *Richard H. Demuth*, and *Miss Louise Foster* for respondent. Reported below: 112 F. 2d 648.

No. 347. *FOOD MACHINERY CORP. v. FRUIT TREATING CORPORATION ET AL.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. Frederick S. Lyon*, *Leonard S. Lyon*, and *O. K. Reaves* for petitioner. *Messrs. Albert M. Austin*, *John B. Sutton*, and *G. L. Reeves* for respondents. Reported below: 112 F. 2d 119.

No. 348. *OREGON SHORT LINE RAILROAD CO. ET AL. v. UNITED STATES*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. George H. Smith* for petitioners. *Solicitor General Biddle* and *Mr. Robert E. Mulroney* for the United States. Reported below: 113 F. 2d 212.

No. 350. *LIEBERMAN ET AL. v. CITY OF PHILADELPHIA*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. David D. Goff* and *George V. Strong* for petitioners. *Messrs. Francis F. Burch* and *Abraham Wernick* for respondent. Reported below: 112 F. 2d 424.

No. 358. PORTER-WADLEY LUMBER CO. ET AL. v. BAILEY; and

No. 359. SAME v. PRUITT. October 14, 1940. Petitions for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. John B. Files and Joseph H. Jackson* for petitioners. Reported below: 110 F. 2d 974.

Nos. 360 and 361. LONG ISLAND DRUG CO., INC. v. COMMISSIONER OF INTERNAL REVENUE. October 14, 1940. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Otho S. Bowling* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. J. Louis Monarch and John A. Gage* for respondent. Reported below: 111 F. 2d 593.

No. 365. NATIONAL UNION FIRE INSURANCE CO. v. EGGERS, CLAIMANT. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. Jos. M. Rault, Geo. H. Terriberry, and Walter Carroll* for petitioner. *Mr. Edward Arthur Kelly* for respondent. Reported below: 112 F. 2d 347.

No. 370. PALMER ET AL. v. MCCARTHY. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Edward R. Brumley* for petitioners. *Mr. Thomas J. O'Neill* for respondent. Reported below: 113 F. 2d 721.

No. 372. WALL v. STATE BOARD OF BAR EXAMINERS. October 14, 1940. Petition for writ of certiorari to the Supreme Court of New Jersey denied. *Mr. William G. Wall* for petitioner. *Messrs. David T. Wilentz, Attor-*

311 U.S.

Decisions Denying Certiorari.

ney General of New Jersey, and *Joseph Lanigan* for respondent. Reported below: 124 N. J. L. 560; 12 A. 2d 852.

No. 383. UNITED STATES HOFFMAN MACHINERY CORP. v. CUMMINGS-LANDAU LAUNDRY MACHINERY CO. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Daniel L. Morris* for petitioner. *Mr. Clarence B. Des Jardins* for respondent. Reported below: 113 F. 2d 424.

No. 385. CITY OF ST. LOUIS ET AL. v. LINDSAY. October 14, 1940. Petition for writ of certiorari to the Supreme Court of Missouri denied. *Mr. E. H. Wayman* and *Anne M. Evans* for petitioners. *Messrs. Harry B. Hawes* and *Carl L. Ristine* for respondent. Reported below: 345 Mo. 1141; 139 S. W. 2d 906.

No. 401. TURNBOW ET AL. v. FARMERS' COOPERATIVE EXCHANGE, INC. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Charles E. Townsend* for petitioners. *Mr. Frederick S. Lyon* for respondent. Reported below: 111 F. 2d 728.

No. 452. McCULLOCH v. LOFTUS. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Charles A. McCulloch, pro se*, and *Mr. William Lemke* for petitioner. *Mr. Marvin H. Taylor* for respondent. Reported below: 113 F. 2d 723.

No. 367. KNIGHT v. HUDSPETH, WARDEN. October 21, 1940. Petition for writ of certiorari to the Circuit

Court of Appeals for the Tenth Circuit, and motion for leave to proceed further *in forma pauperis*, denied for the reason that the Court, upon examination of the papers herein submitted, finds that the application for a writ of certiorari was not filed within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940). *Charles H. Knight, pro se*. Reported below: 112 F. 2d 137.

No. 126. *ALEXANDER v. O'GRADY, WARDEN*. October 21, 1940. Petition for writ of certiorari to the Supreme Court of Nebraska, and motion for leave to proceed further *in forma pauperis*, denied. *Earl Alexander, pro se*. Messrs. *Walter R. Johnson*, Attorney General of Nebraska, *H. Emerson Kokjer*, and *Charles F. Bongardt*, Assistant Attorneys General, for respondent. Reported below: 137 Neb. 645; 290 N. W. 718.

No. 149. *DAVIS v. O'GRADY, WARDEN*. October 21, 1940. Petition for writ of certiorari to the Supreme Court of Nebraska, and motion for leave to proceed further *in forma pauperis*, denied. *Otha Davis, pro se*. Messrs. *Walter R. Johnson*, Attorney General of Nebraska, *H. Emerson Kokjer*, and *Charles F. Bongardt*, Assistant Attorneys General, for respondent. Reported below: 137 Neb. 708; 291 N. W. 82.

No. 353. *JOHNSON v. SANFORD, WARDEN*. October 21, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Charlie W. Johnson, pro se*. Reported below: 112 F. 2d 739.

No. 366. *CARPENTER v. HUDSPETH, WARDEN*. October 21, 1940. Petition for writ of certiorari to the Circuit

311 U.S.

Decisions Denying Certiorari.

Court of Appeals for the Tenth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Leo Carpenter, pro se*. Reported below: 112 F. 2d 126.

No. 389. *RANDLE v. UNITED STATES*. October 21, 1940. Petition for writ of certiorari to the Court of Appeals for the District of Columbia, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Robert H. McNeill* for petitioner. Reported below: 113 F. 2d 945.

No. 391. *BARNOWSKI v. HUDSPETH, WARDEN*. October 21, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Otto Barnowski, pro se*. Reported below: 113 F. 2d 984.

No. 390. *MCDONALD v. HUDSPETH, WARDEN*. October 21, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Walter McDonald, pro se*. Reported below: 113 F. 2d 984.

No. 68. *McCoy v. WEST VIRGINIA*. On petition for writ of certiorari to the Supreme Court of Appeals of West Virginia; and

No. 355. *PAINTER v. BALTIMORE & OHIO RAILROAD CO.* On petition for writ of certiorari to the Supreme Court of Pennsylvania. October 21, 1940. The petitions for writs of certiorari in these cases are denied for the reason that the applications therefor were not made within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940). *Arthur McCoy, pro se*.

Mr. J. Thomas Hoffman for petitioner in No. 355. Reported below: No. 68, 7 S. E. 2d 89; No. 355, 339 Pa. 271; 13 A. 2d 396.

No. 322. *HART ET AL. v. UNITED STATES*. October 21, 1940. The motion for leave to file a supplemental petition for writ of certiorari is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit is denied. MR. JUSTICE MURPHY took no part in the consideration and decision of these applications. *Messrs. Hugh M. Wilkinson, O. R. McGuire, and David V. Cahill* for petitioners. *Solicitor General Biddle, Assistant Attorney General Rogge, and Mr. Fred E. Strine* for the United States. Reported below: 112 F. 2d 128.

No. 351. *BAIR v. BANK OF AMERICA NATIONAL TRUST & SAVINGS ASSN.* October 21, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. MR. JUSTICE DOUGLAS took no part in the consideration and decision of this application. *Messrs. Horace S. Davis and Sterling M. Wood* for petitioner. *Messrs. E. G. Toomey, Louis Ferrari, and Edmund Nelson* for respondent. Reported below: 112 F. 2d 247.

No. 403. *THOMPSON, TRUSTEE, v. WILEY*. October 21, 1940. On consideration of the suggestion of a diminution of the record and motion for a writ of certiorari in that relation, the motion for a writ of certiorari is granted. The petition for writ of certiorari to the Supreme Court of Arkansas is denied. *Messrs. Thos. T. Railey, W. L. Curtis, and Thomas B. Pryor* for petitioner. *Messrs. Theron W. Agee and David S. Partain* for respondent. Reported below: 200 Ark. 574; 140 S. W. 2d 676; 142 S. W. 2d 944.

311 U.S.

Decisions Denying Certiorari.

No. 379. *SIMMONS* (*ROSA F. SIMMONS, TEMPORARY ADMINISTRATRIX, SUBSTITUTED IN PLACE OF W. S. SIMMONS, DECEASED*) *v. PEAVY-WELSH LUMBER Co.* October 21, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. MR. JUSTICE BLACK, MR. JUSTICE DOUGLAS, and MR. JUSTICE MURPHY are of the opinion that the petition for writ of certiorari should be granted. *Mr. Edgar J. Oliver* for petitioner. *Messrs. Robert M. Hitch and Archibald B. Lovett* for respondent. Reported below: 112 F. 2d 662; 113 *id.* 812.

No. 109. *LANGSTON ET AL. v. SOUTH CAROLINA.* October 21, 1940. Petition for writ of certiorari to the Supreme Court of South Carolina denied. *Messrs. Joseph F. Rutherford and Hayden C. Covington* for petitioners. Reported below: 195 S. C. 190; 11 S. E. 2d 1.

No. 225. *IN THE MATTER OF BLUESTONE.* October 21, 1940. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied. *Morton D. Bluestone, pro se. Mr. Robert T. McCracken* for the Supreme Court of Pennsylvania.

No. 290. *IRVING TRUST Co. v. UNITED STATES.* October 21, 1940. Petition for writ of certiorari to the Court of Claims denied. *Messrs. E. F. Colladay, Wilton H. Wallace, and Martin Saxe* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. J. Louis Monarch and Daniel F. Hickey* for the United States. Reported below: 90 Ct. Cls. 310; 30 F. Supp. 290.

No. 311. *GLIWA ET AL. v. UNITED STATES STEEL CORP. ET AL.* October 21, 1940. Petition for writ of certiorari

to the Supreme Court of Pennsylvania denied. *Agnes Gliwa, pro se*. Reported below: 338 Pa. 149; 12 A. 2d 784.

No. 334. *GLIWA ET AL. v. UNITED STATES STEEL CORP. ET AL.* October 21, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Agnes Gliwa, pro se*. Reported below: 111 F. 2d 281, 646.

No. 341. *COUNTY OF FRESNO ET AL. v. COMMODITY CREDIT CORPORATION.* October 21, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Earl Warren*, Attorney General of California, *H. H. Linney*, Deputy Attorney General, and *James J. Arditto* for petitioners. *Solicitor General Biddle*, *Assistant Attorney General Clark*, and *Messrs. J. Louis Monarch, Arnold Raum, and Berryman Green* for respondent. Reported below: 112 F. 2d 639.

No. 374. *JACKSON ET AL. v. UNITED GAS PUBLIC SERVICE Co. ET AL.* October 21, 1940. Petition for writ of certiorari to the Supreme Court of Louisiana denied. *Mr. Aubrey M. Pyburn* for petitioners. Reported below: 198 So. 633.

No. 380. *NGIM AH OY v. HAFF, DISTRICT DIRECTOR, U. S. IMMIGRATION AND NATURALIZATION SERVICE.* October 21, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Ernest B. D. Spagnoli* for petitioner. *Solicitor General Biddle*, *Assistant Attorney General Rogge*, and *Messrs. William W. Barron, George F. Kneip, and W. Marvin Smith* for respondent. Reported below: 112 F. 2d 607.

311 U.S.

Decisions Denying Certiorari.

No. 386. CONTINENTAL OIL Co. v. JONES, COLLECTOR OF INTERNAL REVENUE. October 21, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Messrs. D. A. Richardson and A. L. Hull* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. J. Louis Monarch, Arnold Raum, and Joseph M. Jones* for respondent. Reported below: 113 F. 2d 557.

No. 388. O/Y WIPU, OWNER OF "THE WILJA," v. DREYFUS ET AL., CO-PARTNERS. October 21, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Edgar R. Kraetzer* for petitioner. *Mr. Henry E. Otto* for respondents. Reported below: 113 F. 2d 646.

No. 394. UNITED STATES v. RALSTON. October 21, 1940. Petition for writ of certiorari to the Court of Claims denied. *Solicitor General Biddle* for the United States. *Messrs. Herman J. Galloway, George R. Shields, John W. Gaskins, and Fred W. Shields* for respondent. Reported below: 91 Ct. Cls. 91.

No. 395. ALASKA STEAMSHIP Co. v. PACIFIC COAST COAL Co. ET AL. October 21, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Cassius E. Gates and Edwin G. Dobrin* for petitioner. *Messrs. T. Catesby Jones, James W. Ryan, and Lane Summers* for Pacific Coast Coal Co. et al.; and *Solicitor General Biddle, Assistant Attorney General Shea, and Messrs. Melvin H. Siegel, Paul A. Sweeney, and Richard H. Demuth* for the United States, respondents. Reported below: 112 F. 2d 952.

No. 396. *BUGGS v. FORD MOTOR COMPANY*. October 21, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Edgar B. Tolman and Jacob Geffs* for petitioner. *Messrs. Carl Muskat, Clifford B. Longley, and Wallace R. Middleton* for respondent. Reported below: 113 F. 2d 618.

No. 398. *HAMILTON LABORATORIES, INC. v. MASSENGILL, DOING BUSINESS AS S. E. MASSENGILL COMPANY*. October 21, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. W. B. Morton* for petitioner. *Mr. Clair V. Johnson* for respondent. Reported below: 111 F. 2d 584.

No. 402. *MAIN & MCKINNEY BUILDING Co. v. COMMISSIONER OF INTERNAL REVENUE*. October 21, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Edward S. Boyles* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. J. Louis Monarch and Arnold Raum* for respondent. Reported below: 113 F. 2d 81.

No. 404. *SOUTHERN MINERALS CORP. v. SIMMONS ET AL.* October 21, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Dan Moody* for petitioner. Reported below: 111 F. 2d 333.

No. 431. *KEATON v. OKLAHOMA CITY ET AL.* See *ante*, p. 616.

No. 345. *CLARK v. ALABAMA*. On petition for writ of certiorari to the Supreme Court of Alabama; and

311 U.S. Decisions Denying Certiorari.

No. 392. PENNSYLVANIA EX REL. MONTGOMERY v. ASHE, WARDEN. On petition for writ of certiorari to the Superior Court of Pennsylvania, Pittsburgh District. October 28, 1940. The motions for leave to proceed further *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds that the applications for writs of certiorari were not filed within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940). The petitions for writs of certiorari are therefore also denied. *Mr. George W. Chamlee* for petitioner in No. 345. *Lee Montgomery, pro se. Messrs. Thomas S. Lawson, Attorney General of Alabama, and William H. Loeb, Assistant Attorney General,* for respondent in No. 345. Reported below: No. 345, 239 Ala. 380; 195 So. 260.

No. 488. TROSS v. WEST VIRGINIA. October 28, 1940. Motion for leave to proceed further *in forma pauperis*, and petition for writ of certiorari to the Circuit Court of West Virginia, Mineral County, denied. *Mr. F. E. Par-rack* for petitioner.

No. 410. DILLON v. UNITED STATES; and

No. 411. CROWLEY v. UNITED STATES. October 28, 1940. Petition for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. MR. JUSTICE DOUGLAS took no part in the consideration and decision of this application. *Mr. Edward L. O'Connor* for petitioners. *Solicitor General Biddle, Assistant Attorney General Rogge, and Messrs. William W. Barron, J. Albert Woll, M. Joseph Matan, and W. Marvin Smith* for the United States. Reported below: 113 F. 2d 334.

No. 416. STATE NATIONAL BANK OF MAYSVILLE v. CHESAPEAKE & OHIO RAILWAY Co. October 28, 1940.

Petition for writ of certiorari to the Court of Appeals of Kentucky denied. MR. JUSTICE REED took no part in the consideration and decision of this application. *Mr. H. E. McElwain, Jr.* for petitioner. *Mr. LeWright Browning* for respondent. Reported below: 280 Ky. 444; 283 *id.* 443; 133 S. W. 2d 511; 141 S. W. 2d 869.

No. 244. *MADDEN ET AL. v. LYKES BROS.-RIPLEY STEAMSHIP CO. ET AL.* October 28, 1940. The motion to proceed on the typewritten record is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit is denied. *Mr. Alex. W. Swords* for petitioners. Reported below: 110 F. 2d 968.

No. 405. *NOLL v. HUNT, ADMINISTRATRIX.* October 28, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Lee Douglas* for petitioner. Reported below: 112 F. 2d 288.

No. 406. *YOKOHAMA SPECIE BANK, LTD. v. HU SHIH, AMBASSADOR OF THE REPUBLIC OF CHINA TO THE UNITED STATES.* October 28, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Carroll Single* for petitioner. *Messrs. Lyman Henry, Frederick W. Dorr, and Archie M. Stevenson* for respondent. Reported below: 113 F. 2d 329.

No. 407. *MONTGOMERY WARD & CO. v. FLEMING, ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, U. S. DEPARTMENT OF LABOR.* October 28, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Stuart S. Ball* for petitioner.

311 U. S.

Decisions Denying Certiorari.

Solicitor General Biddle, Assistant Attorney General Arnold, and Messrs. Robert L. Stern, George A. McNulty, Gerard D. Reilly, and Irving J. Levy for respondent. Reported below: 114 F. 2d 384.

No. 412. *FIRST NATIONAL BANK OF CHICAGO ET AL. v. COMMISSIONER OF INTERNAL REVENUE.* October 28, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Herbert Pope, Francis H. Uriell, and Benjamin M. Price for petitioners. Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. J. Louis Monarch and Harry Marselli for respondent. Reported below: 112 F. 2d 260.*

No. 414. *BOOTH FISHERIES CORP. v. COE, COMMISSIONER OF PATENTS.* October 28, 1940. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. Henry M. Huxley, Benjamin V. Becker, and Frank Greenberg for petitioner. Solicitor General Biddle, Assistant Attorney General Shea, and Mr. Paul A. Sweeney for respondent. Reported below: 114 F. 2d 462.*

No. 415. *ROETTER v. McKEY, TRUSTEE.* October 28, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Harry Leroy Jones for petitioner. Mr. Charles R. Aiken, and Messrs. Benedict S. Deinard and George Edward Leonard filed briefs in opposition. Reported below: 114 F. 2d 129.*

No. 417. *FUEL CREDIT CORPORATION v. HOWARD ET AL.* October 28, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

Mr. Theodore L. Bailey for petitioner. *Messrs. John E. Purdy and Edmund F. Lamb* for respondents. Reported below: 111 F. 2d 571.

No. 418. *SMITH, RECEIVER, ET AL. v. MILLS*. October 28, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Orlo R. Deahl and S. J. Crumpacker* for petitioners. *Mr. Robert A. Grant* for respondent. Reported below: 113 F. 2d 404.

No. 420. *BEN ADLER SIGNS, INC. ET AL. v. WAGNER SIGN SERVICE, INC.* October 28, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Max W. Zabel* for petitioners. *Mr. Albert G. McCaleb* for respondent. Reported below: 112 F. 2d 264.

No. 426. *STROBL v. ZIDEK*. October 28, 1940. Petition for writ of certiorari to the Appellate Court of Illinois, First District, denied. *Samuel Strobl, pro se. John Zidek, Jr., pro se.* Reported below: 304 Ill. App. 385; 26 N. E. 2d 700.

No. 427. *CITY OF HURON v. EVENSON, TRUSTEE*. October 28, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Max Royhl* for petitioner. *Mr. Perry F. Loucks* for respondent. Reported below: 113 F. 2d 598.

No. 428. *MOORE v. HORTON, TRUSTEE IN BANKRUPTCY*. October 28, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. Richard Ford and Merlin Wiley* for petitioner.

311 U.S.

Decisions Denying Certiorari.

Mr. Jason L. Honigman for respondent. Reported below: 110 F. 2d 189.

No. 429. SCHOOL BOARD OF NORFOLK ET AL. *v.* ALSTON ET AL. October 28, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Mr. R. M. Hughes, Jr.* for petitioners. *Messrs. Leon A. Ransom, Thurgood Marshall, Benjamin Kaplan, and W. Robert Ming, Jr.* for respondents. Reported below: 112 F. 2d 992.

No. 430. STANOLIND PIPE LINE Co. *v.* OKLAHOMA TAX COMMISSION. October 28, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Messrs. Donald Campbell, Guy H. Woodward, and John H. Cantrell* for petitioner. *Mr. F. M. Dudley* for respondent. Reported below: 113 F. 2d 853.

No. 432. EINSON-FREEMAN Co., INC. *v.* CORWIN, FORMER COLLECTOR OF INTERNAL REVENUE, ET AL. October 28, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Daniel Gordon James Judge* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark, and Mr. J. Louis Monarch* for respondents. Reported below: 112 F. 2d 683.

No. 433. CANADIAN RIVER GAS Co. ET AL. *v.* FEDERAL POWER COMMISSION. October 28, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Messrs. Wales H. Madden, C. H. Keffer, Elmer L. Brock, John P. Akolt, E. R. Campbell, Milton Smith, and William A. Dougherty* for petitioners. *Solicitor General Biddle, Assistant Attorney General Shea,*

Decisions Denying Certiorari. 311 U.S.

and Messrs. *Melvin H. Siegel* and *Thomas E. Harris* for respondent. Reported below: 110 F. 2d 350; 113 *id.* 1010.

No. 446. *SCHMIDT v. MINNESOTA STATE BOARD OF MEDICAL EXAMINERS*. See *ante*, p. 617.

No. 246. *MARTIN v. CALIFORNIA*. See *ante*, p. 618.

No. 449. *VERNON v. ALABAMA*. November 12, 1940. Petition for writ of certiorari to the Supreme Court of Alabama, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Walter S. Smith* for petitioner. Messrs. *Thomas S. Lawson*, Attorney General of Alabama, *William H. Loeb*, and *Prime F. Osborn*, Assistant Attorneys General, for respondent. Reported below: 239 Ala. 593; 196 So. 96.

No. 457. *ADAMS v. BOYCE ET AL.* November 12, 1940. Petition for writ of certiorari to the District Court of Appeal, 2d Appellate District, of California, and motion for leave to proceed further *in forma pauperis*, denied. *Melville Adams, pro se*. *Mr. W. I. Gilbert* for Dr. *William A. Boyce et al.*, and *Mr. Woodward M. Taylor* for Lutheran Hospital Society, respondents. Reported below: 37 Cal. App. 2d 541; 99 P. 2d 1044.

No. 397. *JACOBS v. UNITED STATES*. November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Fred G. Benton* for petitioner. Reported below: 112 F. 2d 51.

311 U.S.

Decisions Denying Certiorari.

No. 477. *WAGGONER v. UNITED STATES*. November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Philip F. Dodson* for petitioner. Reported below: 113 F. 2d 867.

No. 455. *RIPPERGER, RECEIVER, v. A. C. ALLYN & Co., INC., ET AL.* November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. MR. JUSTICE DOUGLAS took no part in the consideration and decision of this application. *Messrs. Jacob K. Javits and Percival E. Jackson* for petitioner. *Mr. Claire W. Hardy* for A. C. Allyn & Co., and *Mr. John C. Bruton, Jr.* for the First Boston Corporation, respondents. Reported below: 113 F. 2d 332.

No. 476. *MCQUILLEN ET AL. v. NATIONAL CASH REGISTER Co. ET AL.* November 12, 1940. The motion to dispense with the printing of the record is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit is denied. The CHIEF JUSTICE took no part in the consideration and decision of these applications. *Mr. Israel Gorovitz* for petitioners. *Mr. James Piper* for the National Cash Register Co., and *Mr. William L. Marbury, Jr.* for Ezra M. Kuhns et al., respondents. Reported below: 112 F. 2d 877.

No. 480. *MELVILLE ET AL. v. WEYBREW ET AL.* On petition for writ of certiorari to the Supreme Court of Colorado. November 12, 1940. The motion to supplement the record is denied. The petition for writ of certiorari is denied for the reason that the application therefor was not made within the time provided by law.

Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940). *Mr. I. B. Melville* for petitioners. Reported below: 106 Colo. 121; 103 P. 2d 7.

No. 434. MISSOURI PACIFIC TRANSPORTATION CO. ET AL. *v.* PARKER, ADMINISTRATOR, ET AL. November 12, 1940. Petition for writ of certiorari to the Supreme Court of Arkansas denied. *Messrs. Wm. McCraw, W. J. Holt, and Steve Carrigan* for petitioners. *Mr. W. F. Denman* for respondents. Reported below: 200 Ark. 620; 140 S. W. 2d 997.

No. 435. CONTINENTAL CASUALTY CO. *v.* UNITED STATES. November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Purnell M. Milner* for petitioner. *Solicitor General Biddle, Assistant Attorney General Shea, and Mr. Melvin H. Siegel* for the United States. Reported below: 113 F. 2d 284.

No. 439. VAN RIPER *v.* UNITED STATES. November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. John S. Wise, Jr.* for petitioner. *Solicitor General Biddle and Messrs. Hugh A. Fisher, George F. Kneip, Fred E. Strine, and W. Marvin Smith* for the United States. Reported below: 113 F. 2d 929.

No. 440. ESTATE OF GUND ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. Claude M. Houchins and George R. Hunt* for petitioners. *Solicitor General Bid-*

311 U.S.

Decisions Denying Certiorari.

dle, Assistant Attorney General Clark, and Messrs. J. Louis Monarch and L. W. Post for respondent. Reported below: 113 F. 2d 61.

No. 443. *HARE ET AL. v. HENDERSON ET AL.* November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Wm. D. Gordon* for petitioners. *Mr. E. J. Fountain* for respondents. Reported below: 113 F. 2d 277.

No. 450. *SCHOMMER ET AL. v. WILKERSON, JUDGE, ET AL.* November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Charles P. Schwartz* for petitioners. *Messrs. James M. Sheean, J. F. Dammann, Henry F. Tenney, and William J. Froelich* for respondents. Reported below: 112 F. 2d 311.

No. 451. *HARVEY v. CITY OF ST. PETERSBURG.* November 12, 1940. Petition for writ of certiorari to the Supreme Court of Florida denied. *Mr. C. I. Carey* for petitioner. *Mr. Erle B. Askew* for respondent. Reported below: 143 Fla. 559; 197 So. 116.

No. 453. *WEILL v. COMPAGNIE GENERALE TRANSATLANTIQUE.* November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. David J. Colton* for petitioner. *Mr. Edgar R. Kraetzer* for respondent. Reported below: 113 F. 2d 720.

No. 454. *UNITED STATES FOR THE USE AND BENEFIT OF LUCHINI ET AL. v. FERRO CONCRETE CONSTRUCTION CO.*

ET AL. November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Mr. R. Gaynor Wellings* for petitioners. *Messrs. William H. Edwards and Gerald W. Harrington* for respondents. Reported below: 112 F. 2d 488.

No. 456. LONG *v.* CALIFORNIA. November 12, 1940. Petition for writ of certiorari to the Supreme Court of California denied. *Mr. Herbert W. Erskine* for petitioner. Reported below: 15 Cal. 2d 590; 96 P. 2d 354, 1021; 103 P. 2d 969.

No. 458. LARSON *v.* PACIFIC MUTUAL LIFE INSURANCE Co. November 12, 1940. Petition for writ of certiorari to the Supreme Court of Illinois denied. *Mr. Charles M. Haft* for petitioner. *Messrs. Francis X. Busch and Orville J. Taylor* for respondent. Reported below: 373 Ill. 614; 27 N. E. 2d 458.

No. 459. DUNN *v.* ICKES, SECRETARY OF THE INTERIOR. November 12, 1940. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. Raymond M. Hudson and Geoffrey Creyke, Jr.* for petitioner. *Solicitor General Biddle* for respondent. Reported below: 115 F. 2d 36.

No. 460. SPENCER, TRUSTEE, *v.* HIRAM WALKER & SONS GRAIN CORP., LTD. November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Max Kahn* for petitioner. Reported below: 112 F. 2d 221.

No. 461. CATAHOULA BANK *v.* KIRBY. November 12, 1940. Petition for writ of certiorari to the Circuit Court

311 U.S. - Decisions Denying Certiorari.

of Appeals for the Fifth Circuit denied. *Mr. Wood H. Thompson* for petitioner. *Mr. Frank J. Looney* for respondent. Reported below: 112 F. 2d 124.

No. 462. *BURGESS, Co-ADMINISTRATRIX, ET AL. v. RELIANCE LIFE INSURANCE Co.* November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Paul M. Peterson and William H. Becker* for petitioners. Reported below: 112 F. 2d 234.

No. 464. *TSUNE-CHI YU v. CARL BYOIR & ASSOCIATES, INC.* November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. H. H. Nordlinger* for petitioner. *Messrs. Maxwell C. Katz and Otto C. Sommerich* for respondent. Reported below: 112 F. 2d 885.

No. 465. *STANDARD GAS & ELECTRIC Co. v. TAYLOR ET AL.* November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Messrs. A. Louis Flynn, Jacob K. Javits, and Wilbur J. Holleman* for petitioner. *Mr. Jason L. Honigman* for John M. Taylor et al.; *Messrs. William P. Sidley and James F. Oates, Jr.* for the Reorganization Committee; *Messrs. George S. Ramsey and Villard Martin* for H. N. Greis, Trustee, and *Solicitor General Biddle* and *Messrs. Chester T. Lane, Bernard D. Cahn, and Homer Kripke* for the Securities & Exchange Commission, respondents. Reported below: 113 F. 2d 266.

No. 331. *HOUSTON ET AL., TRUSTEES, ET AL. v. SWINFORD, U. S. DISTRICT JUDGE, ET AL.;*

No. 332. KOHN ET AL. *v.* CIRCUIT COURT OF APPEALS FOR THE SIXTH CIRCUIT ET AL.; and

No. 333. KOHN ET AL. *v.* SWINFORD, U. S. DISTRICT JUDGE, ET AL. November 12, 1940. Petitions for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Harvey H. Smith* for George S. Houston et al., and *Mr. Frank M. Dailey* for Central Distributing Co., petitioners.

No. 463. WOLFE *v.* MURPHY ET AL. November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. George E. Wallace* for petitioner. *Mr. G. E. Lyons* for respondents. Reported below: 112 F. 2d 885.

No. 466. GILBERT ET AL. *v.* PEORIA & EASTERN RAILWAY CO. ET AL.; and

No. 467. EWEN ET AL. *v.* SAME. November 12, 1940. Petitions for writs of certiorari to the District Court of the United States for the Southern District of New York denied. *Mr. Mark Hyman* for petitioners in No. 466. *Mr. Charles S. Aronstram* for petitioners in No. 467. *Mr. Jacob Aronson* for the Peoria & Eastern Railway Co., respondent. Reported below: 34 F. Supp. 332.

No. 469. PELELAS *v.* CATERPILLAR TRACTOR CO. November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Homer H. Marshman* for petitioner. *Mr. Frank T. Miller* for respondent. Reported below: 113 F. 2d 629.

No. 470. R. P. FARNSWORTH & CO., INC. *v.* ELECTRICAL SUPPLY CO. November 12, 1940. Petition for writ of

311 U.S.

Decisions Denying Certiorari.

certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. James C. Henriques* for petitioner. *Messrs. Robert E. Milling and Robert E. Milling, Jr.* for respondent. Reported below: 112 F. 2d 150; 113 *id.* 111.

No. 471. *DUNN v. CALIFORNIA*. November 12, 1940. Petition for writ of certiorari to the District Court of Appeal, 3d Appellate District of California, denied. *Mr. Herbert W. Erskine* for petitioner. *Messrs. Earl Warren*, Attorney General of California, and *J. Q. Brown*, Deputy Attorney General, for respondent. Reported below: 40 Cal. App. 2d 6; 104 P. 2d 119.

No. 478. *METROPOLITAN BUILDING & LOAN ASSN. ET AL. v. TEXAS UNEMPLOYMENT COMPENSATION COMMISSION ET AL.* November 12, 1940. Petition for writ of certiorari to the Court of Civil Appeals, 3d Supreme Judicial District, of Texas, denied. *Mr. Dan Moody* for petitioners. *Messrs. Gerald C. Mann*, Attorney General of Texas, *George W. Barcus*, and *R. W. Fairchild*, Assistant Attorneys General, for respondents. Reported below: 139 S. W. 2d 309.

No. 481. *CROSS v. MARYLAND CASUALTY Co.* November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. W. B. Handley* for petitioner. *Mr. J. P. Jackson* for respondent. Reported below: 112 F. 2d 58.

No. 482. *NEW YORK LIFE INSURANCE Co. v. CALHOUN*. November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. James C. Jones, James C. Jones, Jr.,*

and *Louis H. Cooke* for petitioner. *Mr. William R. Gentry* for respondent. Reported below: 114 F. 2d 526.

No. 487. *ACME FREIGHT LINES, INC. v. LEE, STATE COMPTROLLER*. November 12, 1940. Petition for writ of certiorari to the Supreme Court of Florida denied. *Mr. C. D. Rinehart* for petitioner. *Messrs. George Couper Gibbs*, Attorney General of Florida, and *Nathan Cockrell*, Assistant Attorney General, for respondent. Reported below: 143 Fla. 635; 197 So. 499.

No. 489. *DALLAS MACHINE & LOCOMOTIVE WORKS, INC. v. WILLAMETTE-HYSTER CO. ET AL.* November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Theodore J. Geisler* and *Amasa M. Holcombe* for petitioner. *Messrs. Albert G. McCaleb* and *Austin F. Flegel, Jr.* for respondents. Reported below: 112 F. 2d 623.

No. 490. *INTERNATIONAL COMPANY OF ST. LOUIS v. SLOAN, RECEIVER*. November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. William L. Mason* for petitioner. *Mr. T. M. Lillard* for Sloan, and *Messrs. George E. Brammer, Joseph Brody*, and *Clyde B. Charlton* for Occidental Life Insurance Co., respondents. Reported below: 114 F. 2d 326.

No. 491. *BASTIAN BROS. Co. v. MCGOWAN, COLLECTOR OF INTERNAL REVENUE*. November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Thomas H. Remington* for petitioner. *Solicitor General Biddle* for respondent. Reported below: 113 F. 2d 489.

311 U.S.

Decisions Denying Certiorari.

No. 497. *MATTHEWS, TRUSTEE, v. UNITED STATES*. November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Sam Costen* for petitioner. *Solicitor General Biddle* for the United States. Reported below: 113 F. 2d 452.

No. 501. *TILLES v. COMMISSIONER OF INTERNAL REVENUE*. November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Harry B. Hawes and Carl L. Ristine* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. J. Louis Monarch and Thomas E. Harris* for respondent. Reported below: 113 F. 2d 907.

No. 505. *KESSEL ET AL. v. VIDRIO PRODUCTS CORP.* November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. J. Robert Cohler* for petitioners. *Messrs. Russell Wiles, George A. Chritton, and Jules L. Brady* for respondent. Reported below: 113 F. 2d 381.

No. 492. *PRICE v. MOINET, U. S. DISTRICT JUDGE*. November 18, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit, and motion for leave to proceed further *in forma pauperis*, denied for the reason that the Court, upon examination of the papers herein submitted, finds that the application for a writ of certiorari was not filed within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940). *Homer C. Price, pro se*. Reported below: 116 F. 2d 500.

No. 546. *IN RE CAMPBELL*. November 18, 1940. Petition for writ of certiorari to the Court of Appeals for

the District of Columbia, and motion for leave to proceed further *in forma pauperis*, denied. *Helen Douglas Campbell, pro se*. Reported below: 116 F. 2d 949.

No. 506. A. B. & M. LIQUIDATION CORPORATION *v.* PELHAM HALL Co. ET AL. November 18, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. MR. JUSTICE DOUGLAS took no part in the consideration and decision of this application. Messrs. *Richard Wait* and *Charles P. Curtis, Jr.* for petitioner. Mr. *Robert H. Davison* for respondents. Reported below: 112 F. 2d 498.

No. 231. HELVERING, COMMISSIONER OF INTERNAL REVENUE, *v.* JENNINGS ET AL. November 18, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Solicitor General Biddle* for petitioner. Reported below: 110 F. 2d 945.

No. 485. GRAY ET AL. *v.* BLIGHT, ADMINISTRATRIX. November 18, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. Mr. *T. R. Boone* for petitioners. Reported below: 112 F. 2d 696.

No. 493. NEW YORK HANDKERCHIEF MANUFACTURING Co. *v.* NATIONAL LABOR RELATIONS BOARD. November 18, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. Mr. *John L. McInerney* for petitioner. *Solicitor General Biddle* and Messrs. *Thomas E. Harris*, *Robert B. Watts*, *Laurence A. Knapp*, and *Mortimer B. Wolf*, and Miss *Ruth Weyand* for respondent. Reported below: 114 F. 2d 144.

No. 496. *ELKLAND LEATHER Co. v. NATIONAL LABOR RELATIONS BOARD*. November 18, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. John W. Morgan* for petitioner. *Solicitor General Biddle* and *Mr. Robert B. Watts* for respondent. Reported below: 114 F. 2d 221.

No. 499. *NEELY v. MERCHANTS TRUST Co., ADMINISTRATOR, ET AL.* November 18, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. W. A. Schnader, Albert G. Avery, and George Gordon Battle* for petitioner. *Messrs. Theodore D. Parsons and Frank F. Groff* for respondents. Reported below: 113 F. 2d 499.

No. 507. *SITCHON v. AMERICAN EXPORT LINES, INC.* November 18, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. William Macy* for petitioner. *Mr. Kenneth Gardner* for respondent. Reported below: 113 F. 2d 830.

No. 530. *RICHMAN v. NIELSEN, ADMINISTRATRIX.* November 18, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Blaine Simons* for petitioner. *Mr. George J. Danforth* for respondent. Reported below: 114 F. 2d 343.

No. 526. *CADY ET AL. v. MURPHY.* November 25, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *MR. JUSTICE DOUGLAS* took no part in the consideration and decision of this application. *Messrs. Richard Wait and Robert*

Hale for petitioners. *Mr. Nathan W. Thompson* for respondent. Reported below: 113 F. 2d 988.

No. 503. *FARBER v. UNITED STATES*. November 25, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Chellis M. Carpenter* for petitioner. *Solicitor General Biddle*, *Assistant Attorney General Rogge*, and *Messrs. Fred E. Strine* and *W. Marvin Smith* for the United States. Reported below: 114 F. 2d 5.

No. 509. *MORGAN, ADMINISTRATOR, v. HINES, ADMINISTRATOR OF VETERANS' AFFAIRS*. November 25, 1940. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Mr. Warren E. Miller* for petitioner. *Solicitor General Biddle*, *Assistant Attorney General Shea*, and *Messrs. Paul A. Sweeney*, *W. Marvin Smith*, and *John M. George* for respondent. Reported below: 113 F. 2d 849.

No. 512. *KONG DIN QUONG v. HAFF, DISTRICT DIRECTOR OF IMMIGRATION AND NATURALIZATION*. November 25, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Lambert O'Donnell* for petitioner. *Solicitor General Biddle*, *Assistant Attorney General Rogge*, and *Messrs. Durward E. Balch* and *George F. Kneip* for respondent. Reported below: 112 F. 2d 96.

Nos. 514 and 515. *MEYER, ADMINISTRATOR, ET AL. v. UNITED STATES*. November 25, 1940. Petition for writs of certiorari to the Circuit Court of Appeals for the Sev-

311 U.S. Decisions Denying Certiorari.

enth Circuit denied. *Messrs. Ford W. Thompson and Henry Davis* for petitioners. *Solicitor General Biddle* for the United States. Reported below: 113 F. 2d 387.

No. 519. BUREAU OF UNEMPLOYMENT COMPENSATION *v.* INDEPENDENT GASOLINE Co., INC. November 25, 1940. Petition for writ of certiorari to the Supreme Court of Georgia denied. *Messrs. Ellis Arnall and Clifford Walker* for petitioner. Reported below: 190 Ga. 613; 10 S. E. 2d 58.

No. 520. LAUGHLIN, ADMINISTRATOR, *v.* PINK, SUPER-INTENDENT. November 25, 1940. Petition for writ of certiorari to the Supreme Court of New York denied. *Messrs. Oscar R. Houston and Francis X. Nestor* for petitioner. *Mr. Alfred C. Bennett* for respondent. By leave of Court, *Messrs. Wendell P. Barker and Morris Amchan* filed a brief on behalf of the Department of Banking, of Nebraska, as *amicus curiae*, in support of petitioner. Reported below: 258 App. Div. 789, 876; 283 N. Y. 68; 284 N. Y. 593; 16 N. Y. S. 2d 101; 17 N. Y. S. 2d 221; 27 N. E. 2d 505; 29 N. E. 2d 668.

No. 524. DEN NORSKE AMERIKALINJE, A/S *v.* BLUMENTHAL IMPORT CORPORATION. November 25, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. John W. Griffin and Wharton Poor* for petitioner. *Mr. Martin Detels* for respondent. Reported below: 114 F. 2d 262.

No. 525. READING COMPANY *v.* LARKIN. November 25, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Jno.*

T. Brady for petitioner. *Messrs. George Kunkel and Walter H. Compton* for respondent. Reported below: 114 F. 2d 416.

No. 518. *OBEAR-NESTER GLASS CO. v. WALGREEN DRUG STORES, INC., ET AL.* November 25, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Lawrence C. Kingsland and Edmund C. Rogers* for petitioner. *Messrs. Vernon M. Dorsey, Edward S. Rogers, John H. Bruninga, and John H. Sutherland* for respondents. Reported below: 113 F. 2d 956.

No. 112. *FLOYD ET AL. v. EGGLESTON ET AL.* December 9, 1940. Petition for writ of certiorari to the Court of Civil Appeals, 8th Supreme Judicial District, of Texas, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Crampton Harris* for petitioners. *Messrs. David B. Tammell and Victor C. Mieher* for respondents. Reported below: 137 S. W. 2d 182.

No. 536. *INGELS v. STATE OF WASHINGTON.* December 9, 1940. Petition for writ of certiorari to the Supreme Court of the State of Washington, and motion for leave to proceed further *in forma pauperis*, denied. *Ted Ingels, pro se.* Reported below: 4 Wash. 2d 676; 104 P. 2d 944.

No. 557. *HAZZARD ET AL. v. CHASE NATIONAL BANK.* December 9, 1940. Petition for writ of certiorari to the Supreme Court of New York denied. MR. JUSTICE DOUGLAS took no part in the consideration and decision of this application. *Messrs. Jack Lewis Kraus II, Smith W. Brookhart, John J. Burns, Morris L. Ernst, Moses H. Grossman, Benjamin S. Kirsh, and Joel R.*

311 U.S.

Decisions Denying Certiorari.

Parker for petitioners. *Messrs. Wm. Dean Embree and Lawrence Bennett* for respondent. Reported below: 257 App. Div. 950; 258 *id.* 709; 282 N. Y. 652; 283 N. Y. 682; 14 N. Y. S. 2d 147, 1021; 26 N. E. 2d 801; 28 N. E. 2d 406.

No. 522. *ROBERTS, ADMINISTRATOR, v. BATHURST, EXECUTRIX.* December 9, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Frederic Gilbert Bauer* for petitioner. *Mr. Shelton Pitney* for respondent. Reported below: 112 F. 2d 543.

No. 531. *JOHN DEMARTINI CO., INC., ET AL. v. THE MAUI ET AL.* December 9, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. S. Hasket Derby and Joseph C. Sharp* for petitioners. *Messrs. Herman Phleger and Maurice E. Harrison* for respondents. Reported below: 113 F. 2d 1018.

No. 534. *RAY v. UNITED STATES.* December 9, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Francis Murphy* for petitioner. *Solicitor General Biddle* for the United States. Reported below: 114 F. 2d 508.

No. 554. *EUREKA LODGE No. 5, INDEPENDENT ELKS, ET AL. v. GRAND LODGE IMPROVED, BENEVOLENT PROTECTIVE ORDER OF ELKS OF THE WORLD.* December 9, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Mr. James G. Martin* for petitioners. *Mr. Perry W. Howard* for respondent. Reported below: 114 F. 2d 46.

No. 445. CITY OF VERO BEACH *v.* RITTENOUR INVESTMENT Co. December 9, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Messrs. Robert J. Pleus and Austin M. Cowan* for petitioner. *Mr. W. E. Stanley* for respondent. Reported below: 113 F. 2d 269.

No. 527. CARL M. LOEB, Jr. *v.* COMMISSIONER OF INTERNAL REVENUE; and

No. 528. HENRY A. LOEB *v.* SAME. December 9, 1940. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Arthur B. Hyman* for petitioners. *Solicitor General Biddle* for respondent. Reported below: 113 F. 2d 664.

No. 544. REEVES ET AL. *v.* AMERICAN SECURITY & TRUST Co., TRUSTEE, ET AL. December 9, 1940. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. S. Wallace Dempsey and Bruce Fuller* for petitioners. Reported below: 115 F. 2d 145.

No. 551. RAYMOND *v.* COMMISSIONER OF INTERNAL REVENUE. December 9, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. James F. Oates, Jr.* for petitioner. *Solicitor General Biddle* for respondent. Reported below: 114 F. 2d 140.

No. 552. CAIN, DOING BUSINESS AS CAIN'S TRUCK LINES, *v.* BOWLBY. December 9, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. Robert L. Holliday* for petitioner. Reported below: 114 F. 2d 519.

No. 567. PAN ATLANTIC STEAMSHIP CORP. *v.* FYFE ET AL., DOING BUSINESS AS UNITED FIBRE Co. December 9, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Russell C. Gay* for petitioner. *Mr. Henry N. Longley* for respondents. Reported below: 114 F. 2d 72.

No. 468. LYNCH *v.* SUPERIOR COURT OF LOS ANGELES COUNTY. December 16, 1940. Petition for writ of certiorari to the Supreme Court of California, and motion for leave to proceed further *in forma pauperis*, denied. *Henry L. Lynch, pro se.*

No. 560. SIDIS *v.* F-R PUBLISHING CORPORATION. December 16, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Edwin J. Lukas* for petitioner. *Mr. Morris L. Ernst* for respondent. Reported below: 113 F. 2d 806.

No. 532. KORTEPETER *v.* UNITED STATES; and

No. 533. DERBYSHIRE *v.* UNITED STATES. December 16, 1940. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Paul Y. Davis* and *William G. Sparks* for petitioners. *Solicitor General Biddle* and *Mr. Harry B. Wirin* for the United States. Reported below: 114 F. 2d 124.

No. 553. LENIHAN ET AL. *v.* TRI-STATE TELEPHONE & TELEGRAPH Co. ET AL. December 16, 1940. Petition for writ of certiorari to the Supreme Court of Minnesota denied. *Mr. David J. Erickson* for petitioners. *Messrs. Tracy J. Peycke, Clarence B. Randall, Ralph A. Stone,*

and *C. M. Bracelen* for the Tri-State Telephone & Telegraph Co.; *Messrs. R. S. Wiggin* and *John F. Bonner* for Minneapolis; and *Messrs. J. A. A. Burnquist*, Attorney General of Minnesota, *Alfred W. Bowen* and *George T. Simpson* for Charles Munn et al., respondents. Reported below: 208 Minn. 172; 293 N. W. 601.

No. 555. *TEXAS COMPANY v. NATIONAL LABOR RELATIONS BOARD*. December 16, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. Harry T. Klein, James H. Pipkin, and Lionel P. Marks* for petitioner. *Solicitor General Biddle, Assistant Solicitor General Fahy, and Messrs. Thomas E. Harris, Robert B. Watts, Laurence A. Knapp, and Mortimer B. Wolf* for respondent. Reported below: 112 F. 2d 744.

No. 559. *WILLIAMS v. NEW JERSEY-NEW YORK TRANSIT CO.* December 16, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Charles H. Tuttle* for petitioner. *Mr. James S. Hays* for respondent. Reported below: 113 F. 2d 649.

No. 562. *PRESTON v. KAW PIPE LINE CO. ET AL.* December 16, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Messrs. Earle C. Calhoun, O. B. Martin, and Albert L. Orr* for petitioner. *Mr. Jos. G. Carey* for respondents. Reported below: 113 F. 2d 311.

No. 566. *WHITEMAN v. RCA MANUFACTURING CO., INC. ET AL.*; and

No. 570. *RCA MANUFACTURING CO., INC. v. WHITEMAN ET AL.* December 16, 1940. Petitions for writs of

311 U.S.

Decisions Denying Certiorari.

certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Maurice J. Speiser* for Whiteman, *Messrs. Joseph M. Hartfield* and *George C. Sprague* for W. B. O. Broadcasting Corporation, respondent in Nos. 566 and 570. *Messrs. David Mackay* and *Lawrence B. Morris* for RCA Manufacturing Co. Reported below: 114 F. 2d 86.

Nos. 571 and 572. *HORMANN, v. NORTHERN TRUST Co. ET AL.* December 16, 1940. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Carl V. Wisner* and *Carl V. Wisner, Jr.* for petitioner. *Mr. Hamilton Moses, Jr.* for respondents. Reported below: 114 F. 2d 118.

No. 513. *BAUMEISTER v. NEW YORK.* December 23, 1940. Petition for writ of certiorari to the Court of Appeals of New York, and motion for leave to proceed further *in forma pauperis*, denied. *John J. Baumeister, pro se.* Reported below: 258 App. Div. 783; 283 N. Y. 625; 15 N. Y. S. 2d 727; 28 N. E. 2d 32.

No. 623. *BETZ v. ESTATE OF BRILL.* December 23, 1940. Petition for writ of certiorari to the Supreme Court of Pennsylvania, and motion for leave to proceed further *in forma pauperis*, denied. *Mary B. Betz, pro se.* Reported below: 337 Pa. 525; 12 A. 2d 50.

No. 483. *STATE OF WASHINGTON v. INLAND EMPIRE REFINERIES, INC., ET AL.* December 23, 1940. Petition for writ of certiorari to the Supreme Court of the State of Washington denied for the reason that the judgment of the court below rests upon a non-federal ground ade-

quate to support it. *Lynch v. New York*, 293 U. S. 52; *New York City v. Central Savings Bank*, 306 U. S. 661. Messrs. *Smith Troy*, Attorney General, and *John E. Belcher*, Assistant Attorney General, for petitioner. Messrs. *F. G. Dorety*, *Thomas Balmer*, and *Edwin C. Matthias* for Great Northern Railway Co., respondent. Reported below: 3 Wash. 2d 651; 101 P. 2d 975.

No. 573. *STEIN v. ST. LOUIS PUBLIC SERVICE Co., DEBTOR, ET AL.* December 23, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. Mr. *Hyman G. Stein* for petitioner. Mr. *Thomas E. Francis* for respondents. Reported below: 114 F. 2d 53.

No. 578. *GWINNER v. HEINER, FORMERLY COLLECTOR OF INTERNAL REVENUE.* December 23, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. Messrs. *William A. Seifert* and *William Wallace Booth* for petitioner. Solicitor General *Biddle*, Assistant Attorney General *Clark*, and Messrs. *Sewall Key* and *Arnold Raum* for respondent. Reported below: 114 F. 2d 723.

No. 568. *PINEY COKING COAL LAND Co. v. JAMES, STATE TAX COMMISSIONER.* December 23, 1940. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied. Messrs. *William H. Sawyers* and *Ashton File* for petitioner. Messrs. *Clarence W. Meadows*, Attorney General of West Virginia,

311 U.S.

Decisions Denying Certiorari.

and *W. Holt Wooddell*, Assistant Attorney General, for respondent. Reported below: 10 S. E. 2d 578.

No. 569. *MUNICIPAL ACCEPTANCE CORP. v. JAMES, STATE TAX COMMISSIONER*. December 23, 1940. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied. *Messrs. Anan Raymond and Ashton File* for petitioner. *Messrs. Clarence W. Meadows*, Attorney General of West Virginia, and *W. Holt Wooddell*, Assistant Attorney General, for respondent. Reported below: 10 S. E. 2d 574.

No. 574. *KING COUNTY ET AL. v. W. J. LAKE & Co., INC.* December 23, 1940. Petition for writ of certiorari to the Supreme Court of the State of Washington denied. *Messrs. Elias A. Wright and W. A. Toner* for petitioners. Reported below: 3 Wash. 2d 500; 101 P. 2d 357; 104 P. 2d 599.

No. 575. *PRODUCERS PIPE LINE CO. v. MARTIN, COMMISSIONER OF REVENUE FOR KENTUCKY, ET AL.* December 23, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. R. Miller Holland* for petitioner. Reported below: 113 F. 2d 817.

No. 581. *GREAT AMERICAN INSURANCE CO. v. COMPANHIA DE NAVEGACAO LLOYD BRASILEIRO*; and

No. 585. *COMPANHIA DE NAVEGACAO LLOYD BRASILEIRO v. GREAT AMERICAN INSURANCE CO. ET AL.* December 23, 1940. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs.*

Forrest E. Single and Chauncey I. Clark for the Great American Insurance Co. *Messrs. Frank J. McConnell, T. Catesby Jones, and Leonard J. Matteson* for Companhia de Navegacao. Reported below: 114 F. 2d 361.

No. 605. JACKSON COUNTY *v.* REED, TRUSTEE. December 23, 1940. Petition for writ of certiorari to the Supreme Court of Missouri denied. *Messrs. John B. Pew and Rufus Burrus* for petitioner. *Mr. David M. Proctor* for respondent. Reported below: 346 Mo. 720; 142 S. W. 2d 862.

No. 617. HARRIS *v.* WHITTLE, SHERIFF. See *ante*, p. 622.

No. 538. FRIED *v.* UNITED STATES. January 6, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Louis Fried, pro se.*

No. 545. MILLER *v.* KIRWAN. January 6, 1941. Petition for writ of certiorari to the Supreme Court of Ohio, and motion for leave to proceed further *in forma pauperis*, denied. *Locke Miller, pro se.* *Mr. H. H. Hoppe* for respondent.

No. 438. BELL *v.* JOHNSTON, WARDEN. January 6, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Robert Vivion Bell, pro se.*

311 U. S.

Decisions Denying Certiorari.

No. 596. *LOWE v. UNITED STATES*. January 6, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied without prejudice to an application to the District Court to reduce the fines to an amount allowed by statute. *Mr. F. E. Withrow* for petitioner. *Solicitor General Biddle*, *Assistant Attorney General Rogge*, and *Messrs. M. Joseph Matan*, and *W. Marvin Smith* for the United States. Reported below: 115 F. 2d 596.

Nos. 598 and 599. *HARVARD STATE BANK v. BALTIMORE & OHIO RAILROAD CO. ET AL.* January 6, 1940. On consideration of the suggestion of a diminution of the record and motion for a writ of certiorari in that relation, the motion for a writ of certiorari is granted. The petition for writs of certiorari to the Circuit Court of Appeals for the Fourth Circuit and to the District Court of the United States for the District of Maryland is denied. *MR. JUSTICE ROBERTS* and *MR. JUSTICE DOUGLAS* took no part in the consideration and decision of these applications. *Messrs. Meyer Abrams* and *Gersh I. Moss* for petitioner. *Messrs. Henry W. Anderson* and *Leonard D. Adkins* for respondents. Reported below: 115 F. 2d 455.

No. 580. *YOUNG ET AL. v. COUNTY OF VENTURA*. January 6, 1941. Petition for writ of certiorari to the District Court of Appeal, 2d Appellate District, of California, denied. *Messrs. Robert M. Clarke*, *Milton K. Young*, and *Charles C. Montgomery* for petitioners. *Mr. H. F. Orr* for respondent. Reported below: 35 Cal. App. 2d 732; 104 P. 2d 102.

No. 589. *NEWHOUSE ET AL. v. CORCORAN IRRIGATION DISTRICT*. January 6, 1941. Petition for writ of certio-

rari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Ralph R. Eltse and W. Coburn Cook* for petitioners. *Messrs. F. G. Athearn and Milton T. Farmer* for respondent. Reported below: 114 F. 2d 322.

No. 591. *PACIFIC NATIONAL BANK OF SAN FRANCISCO v. MERCED IRRIGATION DISTRICT*. January 6, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Herman Phleger and W. Coburn Cook* for petitioner. *Messrs. Stephen W. Downey and C. Ray Robinson* for respondent. Reported below: 114 F. 2d 654.

No. 592. *STREET & SMITH PUBLICATIONS, INC. v. BLAIR, JUDGE, ET AL.* January 6, 1941. Petition for writ of certiorari to the Supreme Court of Texas denied. *Messrs. E. L. Klett and J. I. Kilpatrick* for petitioner.

No. 593. *STERN v. GILLMAN ET AL.* January 6, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Michael Halperin* for petitioner. Reported below: 114 F. 2d 28.

No. 595. *GLASS v. ICKES*. January 6, 1941. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Mr. C. L. Dawson* for petitioner. *Solicitor General Biddle* for respondent. Reported below: 117 F. 2d 273.

No. 638. *BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 8 v. POWELL ET AL.* January 6, 1941. Peti-

311 U.S.

Decisions Denying Certiorari.

tion for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Mr. Burr Tracy Ansell* for petitioner. Reported below: 114 F. 2d 752.

No. 539. MINNESOTA *v.* DULUTH, MISSABE & NORTHERN RAILWAY CO. ET AL.;

No. 540. SAME *v.* DULUTH & IRON RANGE RAILWAY CO. ET AL.;

No. 541. SAME *v.* SPIRIT LAKE TRANSFER RAILWAY CO. ET AL.;

No. 542. SAME *v.* OLIVER IRON MINING Co.; and

No. 543. SAME *v.* PROCTOR WATER & LIGHT Co. January 6, 1941. Petition for writs of certiorari to the Supreme Court of Minnesota denied. *Mr. J. A. A. Burnquist*, Attorney General of Minnesota, for petitioner. *Messrs. Elmer F. Blu, Clarence J. Hartley, George W. Morgan, and Cleon Headley* for respondents. Reported below: 207 Minn. 618, 630, 637; 292 N. W. 401, 407, 411.

No. 590. UTLEY *v.* UNITED STATES. January 6, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *James Utley, pro se. Solicitor General Biddle* and *Messrs. Wendell Berge and Fred E. Strine* for the United States. Reported below: 115 F. 2d 117.

No. 597. TEXAS COMPANY *v.* NATIONAL LABOR RELATIONS BOARD. January 6, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Harry T. Klein* for petitioner. *Solicitor General Biddle, Assistant Solicitor General Fahy, and Messrs. Thomas E. Harris, Robert B. Watts, Laurence A. Knapp, and Mortimer B. Wolf* for respondent.

Cases Disposed of Without Consideration by the Court. 311 U. S.

No. 607. *AMERICAN LUMBERMENS MUTUAL CASUALTY Co. v. SUTCLIFFE, ADMINISTRATRIX, ET AL.* January 6, 1941. Pétition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Frederick A. Keck* for petitioner. *Mr. Anthony J. Travia* for respondents. Reported below: 115 F. 2d 410.

CASES DISPOSED OF WITHOUT CONSIDERATION BY THE COURT, THROUGH JANUARY 6, 1941.

Nos. 70 and 71. *GRAND TRUNK WESTERN RAILROAD Co. v. STEPHENSON, ADMINISTRATRIX.* Certiorari, 310 U. S. 623, to the Circuit Court of Appeals for the Seventh Circuit. July 1, 1940. Dismissed per stipulation pursuant to Rule 35. *Mr. Silas H. Strawn* for petitioner. *Mr. Ralph F. Potter* for respondent. Reported below: 110 F. 2d 401.

No. 219. *DOWNER v. O'BRIEN, SHERIFF, ET AL.* Appeal from the Supreme Court of Illinois. August 30, 1940. Dismissed per stipulation pursuant to Rule 35. *Mr. Lee R. La Rockelle* for appellant. *Mr. John E. Cassidy*, Attorney General of Illinois, for appellees. Reported below: 373 Ill. 383; 26 N. E. 2d 488.

No. 6. *MURRAY, RECEIVER OF INTERBOROUGH RAPID TRANSIT Co., v. CITY OF NEW YORK ET AL.; and*

No. 7. *ROBERTS, RECEIVER OF MANHATTAN RAILWAY Co., v. MURRAY, RECEIVER, ET AL.* Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit. September 18, 1940. Dismissed per stipulation pursuant to Rule 35. *Messrs. Carl M. Owen, Nathan L. Miller, and James L. Quackenbush* for Murray, Receiver of Interborough Rapid Transit Co.; *Wilbur Cummings*